



**WINTERVILLE TOWN COUNCIL AGENDA
MONDAY, AUGUST 9, 2021 - 7:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. **CALL TO ORDER.**
- II. **INVOCATION.**
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **APPROVAL OF AGENDA.**
- VI. **PUBLIC HEARINGS:**
 1. Carroll Crossing, Section 3 – Rezoning Request (Ordinance 21-O-081).
- VII. **PUBLIC COMMENT:** *The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item. No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter. The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.*
- VIII. **CONSENT AGENDA:** *The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.*
 1. Approval of the following sets of Council Meeting Minutes:
 - May 25, 2021 Budget Workshop #1; and
 - May 27, 2021 Budget Workshop #2.; and
 - June 7 Budget Public Hearing Minutes; and
 - June 14, 2021 Regular Meeting Minutes.
 2. Set Public Hearing for September 13, 2021: Sutton Capital Group – Rezoning Request.
 3. Set Public Hearing for September 13, 2021: Aquatic Holdings – Rezoning Request.
 4. Set Public Hearing for September 13, 2021: Alfred Martin McLawhorn – Rezoning Request.
 5. Set Public Hearing for September 13, 2021: Pitt County Farms, LLC – Rezoning Request.
 6. Direct Clerk to Certify Sufficiency Worthington Road Interconnect Site Annexation (Resolution 21-R-081).
 7. Direct Clerk to Certify Sufficiency Old Tar Road Pump Station Annexation (Resolution 21-R-082).

8. Fire Department Sprinkler System.
9. Budget Amendment 2021-2022-1.
10. Tax Settlement FY 2020-2021.
11. Charge the Tax Collector with collection of the 2021-2022 tax levy.
12. Winterville Watermelon Festival Committee Items:
 - Parade Permit Application and Fee Exemption;
 - Recreation Park Parking Lot Use and Traffic Pattern Changes;
 - Suspend Winterville Recreation Park Hours Limitation;
 - Placement of Signs and Banners; and
 - Usage of the Parks and Recreation Bathroom Facilities.

IX. OLD BUSINESS:

1. Recreation Advisory Board Composition (Ordinance 21-O-082).
2. Acceptance of State Loan; Sanitary Sewer Rehabilitation, Project No: CS370879-03 for \$1,974,200 from NCDEQ (Resolution 21-R-083).

X. NEW BUSINESS:

1. Stormwater MS4 Permit – Notice of Violation (Resolution 21-R-084).
2. Wooten Company – Task Order No. 32 – Stormwater Management Plan.
3. School Resource Officer contract with Pitt County Schools.
4. Eleven at Main – Preliminary Plat.

XI. OTHER AGENDA ITEMS:

XII. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

XIII. ANNOUNCEMENTS:

1. Thursday, August 12, 2021 from 4:00 pm – 8:00 pm Rescheduled Back to School Splash and National Night Out; Winterville Square.
2. Monday, August 16, 2021 at 7:00 pm Planning & Zoning Board Meeting; Town Hall Assembly Room.
3. Tuesday, August 17, 2021 at 7:00 pm Board of Adjustment Meeting; Town Hall Assembly Room.
4. Thursday, August 26th – Saturday, August 28th Watermelon Festival.
5. Monday, September 6, 2021 Labor Day; Town Offices Closed.

XIV. REPORTS FROM THE TOWN ATTORNEY, MAYOR AND TOWN COUNCIL, AND TOWN MANAGER.

XV. ADJOURN.

SPECIAL NOTICE: Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Town Clerk, Don Harvey at (252) 215-2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: August 9, 2021

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Carroll Crossing, Section 3 – Rezoning Request (Parcel 04819).

Action Requested: Hold the Public Hearing.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification to Adjacent Property Owners, Address Labels, Staff Report, and Ordinance 21-O-081

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Applicant: Le & Lam Properties, LLC.

Location: Church Street Ext south of its intersection with Laurie Ellis Road.

Parcel Number: 04819.

Site Data: 5.295 acres.

Current Zoning District: CN.

Proposed Zoning District: R-8 CD.

- ❖ Proposed Conditions: All duplexes shall have brick fronts.
- ❖ Planning and Zoning Board voted unanimously to recommend approval on May 17, 2021.
- ❖ Adjacent property owners were mailed notification of the rezoning request on May 6, 2021.
- ❖ Notification was posted on the site on April 29, 2021.

Budgetary Impact: TBD.

Recommendation: Hold the Public Hearing on the Rezoning Request.



**REZONING APPLICATION
TOWN OF WINTERVILLE**

2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Le & Lam Properties, LLC

Address: 189 Blackwater Drive, Winterville, NC 28590

Phone #: 252-702-9531

Owner: Le & Lam Properties, LLC

Address: 189 Blackwater Drive, Winterville, NC 28590

Phone #: 252-702-9531

PROPERTY INFORMATION

Parcel #: 04819 Area (square feet or acres): 5.295

Current Land Use: Vacant

Location of Property: NCSR 1714 (Church Street)

ZONING REQUEST

Existing Zoning: CN Requested Zoning: R-8 CUD

Reason for zoning change: Conditional use that all duplexes should have brick fronts.

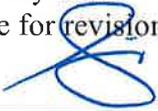
This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER/AGENT STATEMENT

I, Michael W. Baldwin, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 05 / 17 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance my result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.



04/26/2020

Signature

Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, Le & Lam Properties, LLC, being the Owner of the property described herein, do hereby authorize Michael W. Baldwin as agent for the purpose of this application.

Kevin Le
Signature

APR - 26 - 2021
Date

Sworn to and subscribed before me, this 26th day of APRIL, 2021.


Notary Public

My Commission Expires:

08 - 21 - 2024



**LEGAL DESCRIPTION OF PROPERTY
TO BE REZONED FROM CN TO R-8 CUD
LE & LAM PROPERTIES, LLC
TRACT 1
WINTERVILLE TOWNSHIP, PITT, NC
APRIL 26, 2021**

Beginning at a point on the eastern right-of-way of NCSR 1714 (Church Street) said point being the southwestern corner of the William David Harrell and wife Carolyn Harrell Property as described in Deed Book 3264, Page 157 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

Leaving the eastern right-of-way of NCSR 1714 (Church Street) and with the southern line of above referenced William David Harrell and wife Carolyn Harrell Property, S 63°04'56" E 156.11', thence S 63°03'57" E 106.62', thence S 09°00'47" W 729.38' to a point on the northern right-of-way of Jeremy Lane, thence with the northern right-of-way of Jeremy Lane, N 61°21'44" W 109.66' to the point of curvature, thence with a curve to the left an arc distance of 119.69', said curve having a radius of 375.00' and a chord bearing N 70°31'15" W 119.38' to the point of reverse curvature, thence with a curve to the right an arc distance of 46.44', said curve having a radius of 30.00' and a chord bearing N 35°20'00" W 41.94' to a point on the eastern right-of-way of NCSR 1714 (Church Street), thence with the eastern right-of-way of NCSR 1714 (Church Street), N 09°00'47" E 721.67' to the point of beginning containing 4.193 acres and being a portion of the property described in Deed Book 4079, Page 773 of the Pitt County Register of Deeds.

**LEGAL DESCRIPTION OF PROPERTY
TO BE REZONED FROM CN TO R-8 CUD
LE & LAM PROPERTIES, LLC
TRACT 2
WINTERVILLE TOWNSHIP, PITT, NC
APRIL 26, 2021**

Beginning at a point on the eastern right-of-way of NCSR 1714 (Church Street) said point being the northwestern corner of the Franklin R. Fields and wife, Andrea O. Fields Property as described in Deed Book 3884, Page 270 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

With the eastern right-of-way of NCSR 1714 (Church Street), N 09°00'47" E 142.33' to the point of curvature where the eastern right-of-way of NCSR 1714 (Church Street) intersects the curved southern right-of-way of Jeremy Lane, thence with the curved southern right-of-way of Jeremy Lane an arc distance of 48.10', said curve to the right having a radius of 30.00' and a chord bearing N 54°56'32" E 43.11' to the point of compound curvature, thence with a curve to the right an arc distance of 97.68', said curve having a radius of 315.00' and a chord bearing S 70°14'44" E 97.29' to the point of tangency, thence S 61°21'44" E 131.06', thence leaving the southern right-of-way of Jeremy Lane, S 09°00'47" W 195.72', thence N 62°05'36" W 264.24' to the point of beginning containing 1.102 acres and being a portion of the property described in Deed Book 4079, Page 773 of the Pitt County Register of Deeds.

NOTICE OF PUBLIC HEARING
Town of Winterville

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, August 9, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

Le & Lam Properties, LLC has submitted a rezoning application to rezone Parcel 04819 (5.295 Acres) as shown on the attached map from Neighborhood Commercial (CN) to R-8 CD, with the condition that all duplexes shall have brick fronts. The R-8 Residential District is a quiet, medium density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses.

Copies of the Ordinance are on file at the Planning Department Office in the Town Hall or at www.wintervillenc.com and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358.

To maintain the safety of Town residents, Town Council, and Town Staff, the Winterville Town Council meeting will allow limited in-person attendance due to COVID-19 provisions and the meeting will be available electronically. The Agenda is available on the Town website at www.wintervillenc.com/agendas. The public is encouraged to watch the Town Council's meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Town Council during the Public Hearing should contact the Town Clerk at (252) 215-2344 or via email to don.harvey@wintervillenc.com to register by **one business day before the meeting at 5:00 pm.**

Notes to Publisher:

Legal Advertisements
legals@apgenc.com
(252) 329-9521

Subject: Winterville Public Hearing – Carroll Crossing, Section 3 Rezoning.

Please place the above legal advertisement in the Daily Reflector on Wednesday July 28, 2021 and Wednesday, August 4, 2021. Should you have any questions please contact me.

Please forward the invoice and Affidavit of Publication to me to assist with payment.

Thanks,

Donald Harvey, NCCMC
Town Clerk
Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 215-2344 – Phone
don.harvey@wintervillenc.com



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

**Town Council
Rezoning Request**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, August 9, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

Le & Lam Properties, LLC has submitted a rezoning application to rezone Parcel 04819 (5.295 Acres) as shown on the attached map from Neighborhood Commercial (CN) to R-8 CD, with the condition that all duplexes shall have brick fronts. The R-8 Residential District is a quiet, medium density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses.

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Le & Lam Properties LLC
2364 Blackstone Drive
Winterville, NC 28590

Linda V McLawhorn
2351 Old Creek Road
Greenville NC 27834

GAIL L CRISTIANO
DENNIS M CRISTIANO
3004 A KINSEY LP
WINTERVILLE NC 28590

JOHN H EVANS
2305 FIELDSTONE PL
WINTERVILLE NC 28590

MURRAY TRUESDALE
KUMIKO TRUESDALE
2802 A HALEY CT
WINTERVILLE NC 28590

AUSTIN DIXON
2803 B HALEY CT
WINTERVILLE NC 28590

SHERON E GREEN
2944 A KINSEY LP
WINTERVILLE NC 28590

HAPPY TRAIL FARMS LLC
PO BOX 1863
GREENVILLE NC 27835

Franklin R. Fields
Andrea O. Fields
2947 Church Street Ex
Winterville, NC 28590

Betty S Fields
3010 A KINSEY LP
WINTERVILLE NC 28590

JARET LOGAN
AMY LOGAN
3004 B KINSEY LP
WINTERVILLE NC 28590

DAVIS R SMITH, JR
2956 A KINSEY LP
WINTERVILLE NC 28590

RICHARD S COLTRAIN
3903 ARROWHEAD ROAD
AYDEN, NC 28513

CHRISTINE K SMITH
2805 A HALEY CT
WINTERVILLE NC 28590

WILLIAM DAVID HARRELL
CAROLYN HARRELL
5838 REEDY BRANCH RD
AYDEN NC 28513

JACHIE POHL
2995-A KINSEY LP
WINTERVILLE NC 28590

Keith Haight
Diana Haight
226 B Jeremy Lane
Winterville NC 28590

Toshi S James
3010 B KINSEY LP
WINTERVILLE NC 28590

AKR HOLDINGS LLC
824 RUPERT DR
GREENVILLE NC 27858

JEFFEREY D HASSELBACH
222 PEPSI WAY
AYDEN, NC 28513

EDWARD WETHERINGTON
756 STRICKLAND TERRACE
KINSTON, NC 28504

TAMARA L RUPKE
2805 B HALEY CT
WINTERVILLE NC 28590

ROBERTS COMPANY
133 FORLINES RD
WINTERVILLE NC 28590



**Town of Winterville Planning Department
Zoning Staff Report**

GENERAL INFORMATION

APPLICANT	Le & Lam Properties, LLC
HEARING TYPE	Rezoning Request
REQUEST	CN to R-8 CD
CONDITIONS	All duplexes will have brick facades.
LOCATION	Church Street Extension south of its intersection with Laurie Ellis Rd
PARCEL ID NUMBER(S)	04819
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on May 6, 2021. Notification was posted on site on April 29, 2021. 25 properties were mailed notification.
TRACT SIZE	5.295 acres
TOPOGRAPHY	Flat
VEGETATION	Cleared

SITE DATA

EXISTING USE	Vacant
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ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	AR	Daycare
E	R-8 CD	Residential
W	I	Manufacturing
S	AR	Residential

ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	CN (Neighborhood Commercial)	R-8 CD
MAX DENSITY	n/a	n/a
TYPICAL USES	Shopping facilities for goods and services to serve a neighborhood.	Medium Density; single-family residential; limited home occupations.



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SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	N/A
FLOODPLAIN	N/A
STREAMS	N/A
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	Subdivision plan required

**These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

LANDSCAPING & BUFFER REQUIREMENTS

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

TRANSPORTATION

STREET CLASSIFICATION	Church Street Ext – NCDOT Road
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	Church Street Ext – 180
TRIP GENERATION	N/A
SIDEWALKS	Required.
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	N/A
OTHER	N/A



IMPACT ANALYSIS

Land Use Compatibility

The proposed R-8 CD zoning district would allow land uses that are compatible with the general character of the area.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as a Suburban Residential character area. The requested **R-8 CD** zoning district is generally consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Suburban Residential - General Character:

- Low to medium density single family residential. This land use type was identified as one that is appropriate and valued. This flexible land use type is appropriate for many parts of the planning area.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is encouraged to discuss this proposed rezoning with owners of surrounding properties.

Staff Analysis

The 5.295 acre property is currently vacant. The property North of the request is zoned AR with a daycare. West of the request is zoned Industrial (Roberts Company). South of the request is zoned AR and is a single-family home. East of the request is zoned R-8 CD and is a duplex subdivision (Carroll Crossing).

The R-8 CD rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is generally compatible with the existing development and trends in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 5.295 acres from CN to R-8 CD.

**AN ORDINANCE TO AMEND CHAPTER 155
ZONING ORDINANCE OF THE
CODE OF ORDINANCES OF THE
TOWN OF WINTERVILLE, NORTH CAROLINA
OFFICIAL ZONING MAP**

WHEREAS, Le & Lam Properties, LLC. has requested amendment of the Zoning Ordinance of the Town of Winterville by rezoning of the property described herein of Neighborhood Commercial (CN) to R-8 CD; and

WHEREAS, a public hearing on the question of this zoning amendment was held, at the Winterville Town Hall at 7:00 p.m. on August 9, 2021, after due notice publication on July 28, 2021 and August 4, 2021; and

WHEREAS, due notice of said public hearing was also given by first class mail to the owners of all parcels, as shown on the County Tax Records, adjoining the parcel under consideration, certification of which has been to the Winterville Town Council; and

WHEREAS, due notice of said public hearing was also given by posting a rezoning request notice on the subject property;

WHEREAS, the Winterville Town Council finds that the proposed rezoning is in compliance with the Town of Winterville's Comprehensive Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Winterville, North Carolina that:

Section 1. The Town of Winterville Zoning Ordinance, Official Zoning Map, is hereby amended by rezoning the following described track from CN to R-8 CD, with the following condition: All duplexes shall have brick facades.

*Le & Lam Properties, LLC (Carroll Crossing, Section 3), a 5.295-acre tract land located on **Church Street Ext., Tax Parcel 04819**, and being more particularly described on the attached legal description provided below.*

**LEGAL DESCRIPTION OF PROPERTY
REZONED FROM CN to R-8 CD
LE & LAM PROPERTIES, LLC
WINTERVILLE TOWNSHIP, PITT, NC**

Tract 1: Beginning at a point on the eastern right-of-way of NCSR 1714 (Church Street) said point being the southwestern corner of the William David Harrell and wife Carolyn Harrell Property as described in Deed Book 3264, Page 157 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

Leaving the eastern right-of-way of NCSR 1714 (Church Street) and with the southern line of above referenced William David Harrell and wife Carolyn Harrell Property, S 63°04'56" E 156.11', thence S 63°03'57" E 106.62', thence S 09°00'47" W 729.38' to a point on the northern right-of-way of Jeremy Lane, thence with the northern right-of-way of Jeremy Lane, N 61°21'44" W 109.66' to the point of curvature, thence with a curve to the left an arc

distance of 119.69', said curve having a radius of 375.00' and a chord bearing N 70°31'15" W 119.38' to the point of reverse curvature, thence with a curve to the right an arc distance of 46.44', said curve having a radius of 30.00' and a chord bearing N 35°20'00" W 41.94' to a point on the eastern right-of-way of NCSR 1714 (Church Street), thence with the eastern right-of-way of NCSR 1714 (Church Street), N 09°00'47" E 721.67' to the point of beginning containing 4.193 acres and being a portion of the property described in Deed Book 4079, Page 773 of the Pitt County Register of Deeds.

Tract 2: Beginning at a point on the eastern right-of-way of NCSR 1714 (Church Street) said point being the northwestern corner of the Franklin R. Fields and wife, Andrea O. Fields Property as described in Deed Book 3884, Page 270 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

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End of Legal Description

Section 2. This action shall be shown on the Official Zoning Map.

Section 3. This ordinance shall become effective upon adoption.

Adopted this 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: Council Meeting Minutes.

Action Requested: Approval of Minutes.

Attachment: Draft Minutes of the Council meetings listed below.

Prepared By: Donald Harvey, Town Clerk

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Approval of the following set of Council Meeting Minutes:

- May 25, 2021 Budget Workshop #1; and
- May 27, 2021 Budget Workshop #2.; and
- June 7 Budget Public Hearing Minutes; and
- June 14, 2021 Regular Meeting Minutes.

Budgetary Impact: NA.

Recommendation: Approval of Minutes.



**WINTERVILLE TOWN COUNCIL
TUESDAY, MAY 25, 2021 - 6:00 PM
BUDGET WORK SESSION #1 MINUTES
(LIMITED IN-PERSON ATTENDANCE AND ELECTRONIC MEETING VIA ZOOM)**

The Winterville Town Council met in Budget Work Session #1 on the above date at 6:00 PM in the Town Hall Assembly Room, with Mayor Douglas A. Jackson presiding. The following were present:

Douglas A. Jackson, Mayor
Richard (Ricky) E. Hines, Mayor Pro Tem
Tony P. Moore, Councilman
Johnny Moye, Councilman
Veronica W. Roberson, Councilwoman
Mark C. Smith, Councilman
Terri L. Parker, Town Manager
Ben Williams, Assistant Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Robert Sutton, Electric Director
Anthony Bowers, Finance Director
Evan Johnston, Parks and Recreation Director
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

CALL TO ORDER: Mayor Jackson called the meeting to order.

INVOCATION: Councilman Hines gave the Invocation and Blessed the meal.

DINNER:

WELCOME: Mayor Jackson welcomed everyone.

APPROVAL OF AGENDA:

Motion made by Councilman Moye and seconded by Mayor Pro Tem Hines to approve the agenda as presented. Motion carried unanimously, 5-0

ITEMS FOR DISCUSSION: Fiscal Year 2021-2022 Recommended Budget

Town Manager Parker presented the FY 2021-2022 recommended budget by reviewing the draft budget message Version #1 letter below:

UNBALANCED DRAFT BUDGET VERSION #1 – FY 2021-2022

May 24, 2021

Mr. Douglas A, Jackson, Mayor
Mr. Ricky Hines, Mayor Pro-Tem
Mr. Tony Moore, Councilman
Mr. Johnny Moye, Councilman
Ms. Veronica Roberson, Councilwoman
Mr. Mark Smith, Councilman

RE: Unbalanced Draft Annual Budget (Version #1) for the 2021-2022 Fiscal Year

Dear Mayor and Members of the Town Council:

Town Staff is pleased to present the Version #1 of Draft Budget for Fiscal Year 2021-2022, beginning July 1, 2021 and ending June 30, 2022. The Draft Budget has been prepared in accordance with the NC Local Government Fiscal Control Act as required by NC General Statute Chapter 159-11.

The last year has been tough for everyone and we had no idea that we (the Town) would still be grappling with the effects of the COVID-19 Pandemic. Though things appear to be getting better in the United States, the complete effects of what this pandemic, along with other local, state and national challenges will not be known for a while yet. With that said, please keep in mind this Version #1 of the Draft Budget is unbalanced and presented in its "rawest" form.

The Unbalanced Draft Budget:

- *includes no tax adjustments;*
- *includes no rate adjustments;*
- *includes no new positions;*
- *includes a few capital outlay requests;*
- *includes reduced funding for Non-Town Agency requests – discussion item;*
- *includes contributions from the Water, Sewer, Storm water and Electric funds to the General Fund to compensate for administrative services;*
- *includes no merit or COLA for employees – discussion item;*
- *Health Insurance costs increased 3% and the town absorbed the costs for both the employee and dependent coverage;*
- *Dental Insurance premiums did not increase;*
- *\$25,000 is included to add to the OPEB (Other Post-Employment Benefits) reserve; and*
- *Transfers between funds have been included, however, others may be necessary to balance the overall budget.*

Below is a brief budgetary summary of point of interests:

General Fund:

All revenues, which comprise the General Fund, have been forecasted in a conservative manner. Staff has reviewed the estimates for state-collected revenues published every year by the North Carolina League of Municipalities, current economic trends for Eastern North

Carolina, current nationwide economic trends and historical data from the Town. The proposed budget assumes a 98% collection rate for ad valorem taxes and a slight increase in local option sales tax.

This Fund is **out of balance** by **(\$607,837)**. There is no General Fund balance appropriation included currently, but there is a transfer from the Electric Fund to the General Fund in an amount of \$650,000 for the time being.

General Fund departments include the Town Council, Administration, Human Resources, Inspections/GIS, Finance, Information Technology, Planning, Non-Departmental, Public Buildings, Ground and Lawn Maintenance, Police, Fire, EMS, Animal Control, Mosquito Control, Public Works, and Sanitation budgets. Expenses have again been forecasted in a conservative manner, but approached in such a way that service to the citizens remains constant.

Some highlights (In addition to departmental requests) in the General Fund Departmental budgets include:

- Non-Town agency requests for FY 2020-2021 total \$89,240. The **cash** allocation requests for Non-Town Agency funding are as follows:
 - *Winterville Watermelon Festival* - \$20,000;
 - *Boys and Girls Club* - \$10,000;
 - *Winterville Chamber of Commerce* - \$20,000;
 - *Pitt County Council on Aging (Meals on Wheels)* - \$6,240;
 - *Rebuilding Together, Pitt County, NC* - \$10,000;
 - *Winterville Senior Citizens Club* - \$5,000;
 - *Senior Adult Fellowship* - \$0 and;
 - *Pitt County Girls Softball* - \$18,000.
- The in-kind amount for Winterville Historical and Arts Society (WHAS) - \$11,750.
- The in-kind amount for the Winterville Chamber - \$1,000.
- Sheppard Memorial Library has requested a total of \$163,500.

Recreation Fund:

Recreation revenues and expenditures have been estimated in a manner similar to the General Fund budget. This Fund was hit especially hard due to the effects COVID-19 had on programs but is **currently balanced**.

A transfer from General Fund to Recreation in the amount of \$985,935 has been included for budgetary purposes at this time.

Enterprise Funds Summary:

Electric Fund - There is a transfer from Electric Fund to General Fund in the amount of \$650,000 as is done annually to assist in covering the costs of operations. The Electric Fund does not include any request for new positions however, due to the rapid expansion of our Town, substantial amount of capital work continues. This Fund is **currently out of balance** by **(\$479,066)**.

Water Fund – no requests for additional personnel have been made in this Fund, however there are capital a few requests.

\$400,000 is included for water purchases for resale. This amount covers the water currently purchased from Greenville Utilities. This Fund is currently **out of balance** by **(\$339,601)**.

Sewer Fund – No requests for additional personnel have been made in this Fund, however there are capital requests. This Fund is **out of balance** by **(\$2,317)**.

As you are aware, the Town is a member of the Contentnea Metropolitan Sewerage District (CMSD) and the District performs the treatment function of our sewer system. The Town pays its share based on a formula, which contains several components. The Town's appropriation to CMSD decreased to **\$1,011,902** that reflects the continued implementation of the system for charging member entities based entirely on flow.

Storm Water Fund – this Fund is **currently out of balance** by **(\$48,382)** with some projects included.

Conclusion:

It is with great stress and caution that Staff presents the **Version #1 FY 2021-2022 Unbalanced Draft Budget**. As you know, the cost of doing business continues to rise and as such, it requires us to assess our current revenue streams and adjust accordingly, while planning.

Staff looks forward to answering any questions you may have, and a Balanced Draft Budget will be submitted to you as soon as we collectively get there.

Thank you.

Terri L. Parker
Terri L. Parker
Town Manager

Anthony Bowers
Anthony Bowers
Finance Director

Council discussed the non-town agency funding and items in the budget.

Motion made by Councilman Smith and seconded by Mayor Pro Tem Hines to approve Non-Town Agency funding the same as last year plus \$5,000 each for Boys and Girls Club and Pitt County Softball League. Motion carried unanimously, 5-0

Town Manager Parker the items in the budget message. Council asked questions on specific line items. Councilman Moye asked about Hillcrest Park improvements. Parks and Recreation Director Johnston noted the need for other improvements. Councilman Moore asked about vacant positions. Councilman Moye asked about upcoming work. Assistant Town Manager discussed the sewer rehabilitation project. Council discussed work ongoing in town. Town Manager Parker discussed requests in line items of water and sewer, CMSD, stormwater.

Town Manager Parker noted the vacancies in public works, water and sewer, electric, police, and administration. She said some will require re-advertisements. Councilwoman Roberson asked for an update on each position. Town Manager Parker said she would follow-up with Council. Council and Staff continued discussion on specific items in the budget message.

Town Manager Parker provided a handout outlining the Cemetery expansion project that would cost approximately \$50,000 not including paving. Councilman Smith said we need to provide for the cemetery.

Motion made by Mayor Pro Tem Hines and seconded by Councilwoman Roberson to place Priority 1 to the Cemetery Project item. Motion carried unanimously, 5-0

Discussion moved to the Multi-Purpose Building. Town Manager Parker said we do not have any land for the building yet. Assistant Town Manager Williams said we have not had any progress with sellers we have been in contact. Councilwoman Roberson said we need to have progress and move towards the goal. Councilman Hines noted it was a challenge on location, building, then staffing. Councilwoman Roberson said we need to move forward on this project. Councilman Hines said west side needs some recreation facilities, the Town is growing over there. Councilman Moore noted the Greenway Project is just sitting there. Councilwoman Roberson said we need an inside facility. Town Manager Parker said the Sara Law Complex was once available. Town Manager Parker ask Council for direction. Councilwoman Roberson said get and locate some land. Town Manager Parker we welcome affordable land. Councilman Moye asked how much money is the Town willing to spend. Councilwoman Roberson this is a priority. Council discussion continued on land for multipurpose building including fact that now is not time to buy land.

Motion made by Motion Councilwoman Roberson and seconded by Councilman Moye to place Priority 2 to finding land for the Multi-Purpose Building item. Motion carried unanimously, 5-0

Councilman Hines asked if we have a Recreation Plan. Parks and Recreation Director Johnston said yes, completed sometime around 2016 - 2017. Councilwoman Roberson said whatever was on the plan, more will be needed now. Councilman Moore said we looked at property earlier and it was way overpriced.

Town Manager Parker noted will get American Rescue Plan funds of approximately \$2.9 million, \$1.45 million this year. Finance Director Bowers discussed some general eligible reimbursements broadband.

Council took a short break and then resumed.

Finance Director Bowers noted that sewer and stormwater may be used. Assistant Town Manager Williams said clarifications on stormwater quantity, not quality are possible uses, numerous uses in water, sewer, and stormwater. Town Manager Parker said Staff will get clarifications and approach Council with recommended uses.

Councilwoman Roberson said Kent Jordan died, we need to pass a resolution.

Town Manager Parker said she would return with a balanced budget. Councilman Smith noted he would be unable to be here Thursday. Town Manager Parker said she would keep the meeting to 1 hour.

RECESS TO THURSDAY, MAY 27, 2021 AT 6:00 PM – TOWN HALL ASSEMBLY ROOM:

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moore to recess the meeting to Thursday, May 27, 2021 at 6:00 pm. Motion carried unanimously, 5-0. Meeting recessed at 8:21 pm.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk

DRAFT



**WINTERVILLE TOWN COUNCIL
THURSDAY, MAY 27, 2021 - 6:00 PM
BUDGET WORK SESSION #2 MINUTES
(LIMITED IN-PERSON ATTENDANCE AND ELECTRONIC MEETING VIA ZOOM)**

The Winterville Town Council met in Budget Work Session #2 on the above date at 6:00 PM in the Town Hall Assembly Room, with Mayor Douglas A. Jackson presiding. The following were present:

Douglas A. Jackson, Mayor
Richard (Ricky) E. Hines, Mayor Pro Tem
Tony P. Moore, Councilman
Johnny Moye, Councilman
Veronica W. Roberson, Councilwoman
Mark C. Smith, Councilman (absent)
Terri L. Parker, Town Manager
Ben Williams, Assistant Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Robert Sutton, Electric Director
Evan Johnston, Parks and Recreation Director
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

CALL TO ORDER: Mayor Jackson called the meeting to order.

INVOCATION: Councilman Hines gave the Invocation and Blessed the meal.

PLEDGE OF ALLEGIANCE: Mayor Jackson led everyone in the Pledge.

WELCOME: Mayor Jackson welcomed everyone.

APPROVAL OF AGENDA:

Motion made by Mayor Pro Tem Hines and seconded by Councilwoman Roberson to approve the agenda as presented. Motion carried unanimously, 5-0

DINNER:

ITEMS FOR DISCUSSION: Fiscal Year 2021-2022 Recommended Budget.

Town Manager Parker presented the FY 2021-2022 recommended budget by reviewing the draft budget message Version #2 letter below and updated forms provided:

RECOMMENDED DRAFT BUDGET VERSION #2 – FY 2021-2022

May 27, 2021

Mr. Douglas A. Jackson, Mayor
Mr. Ricky Hines, Mayor Pro-Tem
Mr. Tony Moore, Councilman
Mr. Johnny Moye, Councilman
Ms. Veronica Roberson, Councilwoman
Mr. Mark Smith, Councilman

RE: Recommended Draft Annual Budget (Version #2) for the 2021-2022 Fiscal Year

Dear Mayor and Members of the Town Council:

Town Staff is pleased to present the Version #2 of Draft Budget for Fiscal Year 2021-2022, beginning July 1, 2021 and ending June 30, 2022. The Draft Budget has been prepared in accordance with the NC Local Government Fiscal Control Act as required by NC General Statute Chapter 159-11.

The last year has been tough for everyone and we had no idea that we (the Town) would still be grappling with the effects of the COVID-19 Pandemic. Though things appear to be getting better in the United States, the complete effects of what this pandemic, along with other local, state and national challenges will not be known for a while yet. With that said, please keep in mind this Version #2 of the Recommended Draft Budget is **balanced** and ready for final presentation in its DRAFT form.

The Recommended Draft Budget:

- *includes no tax adjustments;*
- *includes no rate adjustments;*
- *includes no new positions;*
- *includes some capital requests;*
- *includes reduced funding for Non-Town Agencies as approved by the Council on May 25, 2021;*
- *includes contributions from the Water, Sewer, Storm water and Electric funds to the General Fund to compensate for administrative services;*
- *includes a 2.5% Cost of Living Adjustment for all employees as of July 1, 2021;*
- *Health Insurance costs increased 3% and the town absorbed the costs for both the employee and dependent coverage;*
- *Dental Insurance premiums did not increase;*
- *\$25,000 is included to add to the OPEB (Other Post-Employment Benefits) reserve;*
- *Transfers between funds have been included, as necessary, to balance the overall budget; and*
- *Contributions from various "fund balances" have been included to balance various funds and the overall budget (though Council is cautioned that this is not the trend the Town should continue).*

Below is a brief budgetary summary of point of interests:

GENERAL FUND:

All revenues, which comprise the General Fund, have been forecasted in a conservative manner. Staff has reviewed the estimates for state-collected revenues published every year by the North Carolina League of Municipalities, current economic trends for Eastern North Carolina, current nationwide economic trends and historical data from the Town. The proposed budget assumes a 98% collection rate for ad valorem taxes and a slight increase in local option sales tax.

The total General Fund budget currently totals **\$10,899,010**. There is a General Fund balance appropriation of **\$469,544** as well as a transfer from the Electric Fund to the General Fund in an amount of **\$650,000**.

General Fund departments include the Town Council, Administration, Human Resources, Inspections/GIS, Finance, Information Technology, Planning, Non-Departmental, Public Buildings, Ground and Lawn Maintenance, Police, Fire, EMS, Animal Control, Mosquito Control, Public Works, and Sanitation budgets. Expenses have again been forecasted in a conservative manner but approached in such a way that service to the citizens remains constant.

Some highlights (In addition to departmental requests) in the General Fund Departmental budgets include:

- Approved Non-Town agency allocations for FY 2021-2022 total \$71,680. The **cash** allocation requests for Non-Town Agency funding are as follows:
 - *Winterville Watermelon Festival - \$20,000 (disbursed in FY 20-21);*
 - *Boys and Girls Club - \$5,000;*
 - *Winterville Chamber of Commerce - \$20,000;*
 - *Pitt County Council on Aging (Meals on Wheels) - \$4,680;*
 - *Rebuilding Together, Pitt County, NC - \$10,000;*
 - *Winterville Senior Citizens Club - \$3,500;*
 - *Senior Adult Fellowship - \$3,500 and;*
 - *Pitt County Girls Softball - \$5,000.*
- The in-kind amount for Winterville Historical and Arts Society (WHAS) - **\$11,750**.
- The in-kind amount for the Winterville Chamber - **\$1,000**.
- Sheppard Memorial Library has requested a total of **\$163,500**.

RECREATION FUND:

Recreation revenues and expenditures have been estimated in a manner similar to the General Fund budget. This Fund was hit especially hard due to the effects COVID-19 had on programs. A transfer from General Fund to Recreation in the amount of **\$967,243** has been included for operational purposes.

The total budget for Parks and Recreation for FY 2021-2022 is estimated to be **\$1,144,768**.

POWELL BILL FUND:

The total budget for the Powell Bill Fund for FY 2021-2022 is estimated to be **\$228,247**. There is no contribution from "Fund Balance" included in this budget.

FIRE DEPARTMENT GRANT FUND:

This Fund includes both the salaries and benefits for the Hiring Grant as well as the Recruitment and Retention Grant. The total budget for the Fire Department Grant Fund for FY 2021-2022 is estimated to be **\$1,064,018**. The contribution from General Fund for this budget totals \$623,931.

URGENT REPAIR FUND:

The total budget for the Urgent Repair Fund for FY 2021-2022 is estimated to be **\$20,000**. There is a contribution from the General included for the same amount.

ENTERPRISE FUNDS:

Electric Fund - There is a transfer from Electric Fund to General Fund in the amount of \$650,000 as is done annually to assist in covering the costs of operations. Due to the rapid expansion of our Town, substantial amount of capital work continues. The total budget for the Electric Fund is estimated to be **\$7,321,586**. There is a contribution from "fund balance" included in this Fund budget in the amount of **\$226,915**.

Water Fund – The total budget for the Water Fund is estimated to be **\$1,646,514**. There is a contribution from "fund balance" included in this Fund budget in the amount of **\$120,272**. \$400,000 is included for water purchases for resale. This amount covers the water currently purchased from Greenville Utilities.

Sewer Fund – The total budget for the Sewer Fund is estimated to be **\$2,489,900**. There is no contribution from "fund balance" included in this Fund budget.

As you are aware, the Town is a member of the Contentnea Metropolitan Sewerage District (CMSD) and the District performs the treatment function of our sewer system. The Town pays its share based on a formula, which contains several components. The Town's appropriation to CMSD decreased to **\$1,027,572, which is a \$15,670 increase from Version #1 of this Recommended Budget. This increase is due to adjustments made in CMSD's FY 2021-2022 Budget Estimate.**

Storm Water Fund – The total budget for the Storm Water Fund is estimated to be **\$509,930**. There is no contribution from "fund balance" included in this Fund budget.

Conclusion:

It is with great stress and caution that Staff presents **Version #2 of the Recommended FY 2021-2022 Draft Budget**. As you know, the cost of doing business continues to rise and as such, it requires us to assess our current revenue streams and adjust accordingly, while planning.

Staff has continued concerns about the Town's current revenue sources and we urge Council to look toward making upward adjustments in some of these sources in the future. As the Town

continues its rapid growth and expansion, there will be continued pressure on our workforce, equipment and facilities.

Staff looks forward to answering any questions you may have.

Thank you.

Terri L. Parker

Terri L. Parker
Town Manager

Anthony Bowers

Anthony Bowers
Finance Director

Town Manager Parker discussed CMSD increase this year. Councilman Moore arrived. Councilman Moyer asked about construction along Hwy. 11. Town Manager Parker noted this is the CMSD pump station. Town Manager Parker noted the added \$50,000 for cemetery expansion in the budget. This budget places stress on finances with no revenue increases. Councilman Moore said he was glad to see staff increase. Councilwoman Roberson asked how much adjustment would be needed to balance the electric. Electric Director Sutton stated the increases needed to meet debt service of next year. Town Manager Parker noted Pitt County has dropped to Tier 2 economic status, keep an eye on changes and stay up to speed on the warning signs. Councilman Moyer asked if vehicles were included. Town Manager Parker said vehicle needs were included. Councilman Moore said new house numbers are down from last year. Town Manager Parker growing town, appreciate patience. Councilman Moore asked when we will set cemetery rates, when will determine use of American Recovery Plan funds. Town Manager Parker said we could have a short workshop at the pleasure of the Council. Mayor Jackson thanked the staff. Town Manager Parker said it was a team effort, thanks to all. Mayor Pro Tem Hines said thanks to all of Town Staff.

ADJOURN:

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moore to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 6:40 pm.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk



**WINTERVILLE TOWN COUNCIL
MONDAY, JUNE 7, 2021 - 7:00 PM
FISCAL YEAR 2021-2022 BUDGET PUBLIC HEARING MINUTES
(LIMITED IN-PERSON ATTENDANCE AND ELECTRONIC MEETING VIA ZOOM)**

The Winterville Town Council met in a Budget Public Hearing on the above date at 7:00 PM in the Town Hall Assembly Room, with Mayor Douglas A. Jackson presiding. The following were present:

Douglas A. Jackson, Mayor
Richard (Ricky) E. Hines, Mayor Pro Tem (absent)
Tony P. Moore, Councilman
Johnny Moye, Councilman
Veronica W. Roberson, Councilwoman
Mark C. Smith, Councilman
Terri L. Parker, Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Robert Sutton, Electric Director
Anthony Bowers, Finance Director
Evan Johnston, Parks and Recreation Director
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

CALL TO ORDER: Mayor Jackson called the meeting to order.

INVOCATION: Councilman Smith gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Jackson led everyone in the Pledge.

WELCOME: Mayor Jackson welcomed everyone.

APPROVAL OF AGENDA:

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the agenda as presented. Motion carried unanimously, 4-0

PUBLIC HEARING: Fiscal Year 2021-2022 Recommended Budget. Town Manager Parker noted that there were no changes to the recommended budget presented at the May 27, 2021 Budget Work Session #2.

Mayor Jackson declared the public hearing open, asked if anyone would like to speak in favor. No one spoke in favor. Mayor Jackson asked if anyone would like to speak in opposition. No one spoke in opposition.

Mayor Jackson asked for any further discussion or any more questions.

ADJOURN:

Motion made by Councilman Moore and seconded by Councilman Moyer to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 7:05 pm.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk

DRAFT



**WINTERVILLE TOWN COUNCIL
MONDAY, JUNE 14, 2021 - 7:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM
(LIMITED IN-PERSON ATTENDANCE)**

The Winterville Town Council met in a Regular Meeting on the above date at 7:00 PM in the Town Hall Assembly Room, with Mayor Douglas A. Jackson presiding. The following were present:

Douglas A. Jackson, Mayor
Richard (Ricky) E. Hines, Mayor Pro Tem
Tony P. Moore, Councilman
Johnny Moye, Councilman
Veronica W. Roberson, Councilwoman
Mark C. Smith, Councilman
Keen Lassiter, Town Attorney
Terri L. Parker, Town Manager
Ben Williams, Assistant Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Robert Sutton, Electric Director
Anthony Bowers, Finance Director
Evan Johnston, Parks and Recreation Director
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

CALL TO ORDER: Mayor Jackson called the meeting to order.

INVOCATION: Councilwoman Roberson gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Jackson led everyone in the Pledge of Allegiance.

WELCOME: Mayor Jackson welcomed the public.

APPROVAL OF AGENDA:

Manager Parker requested to amend the Agenda to add an additional Proclamation.

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moye to approve the amended agenda. Motion carried unanimously, 5-0.

PROCLAMATIONS: Town Clerk Harvey gave a summary of the Proclamations.

1. Flag Day June 14, 2021.



PROCLAMATION
Flag Day June 14, 2021

WHEREAS, On Flag Day, we pledge our allegiance to the banner that has served as a guiding symbol on our Nation's journey, and we celebrate the hope it inspires in the American people; and

WHEREAS, With hands over hearts, Americans of all backgrounds and beliefs have long saluted the flag and honored its legacy. Our flag persists as a powerful representation of freedom and opportunity. Waving high above buildings, homes, across the globe, and on the distant surface of the moon, it calls on each of us to remember our obligations to the Republic for which it stands and to carry forward the unwavering optimism that defines us. America endures because of the courage of servicemen and women who serve under this standard, and our veterans are forever draped in the red, white, and blue when they are laid to rest. Wherever the flag lies or flies, its message is clear: We rise and fall together, as one Nation and one people; and

WHEREAS, The American flag invokes pride in our citizens and hope in those who come to our shores in search of a brighter tomorrow. In recognition of the ways it has embodied our ideals and sustained our Nation, let us pay tribute to the Star Spangled Banner and continue striving to create a more perfect and indivisible Union - with liberty and justice for all; and

WHEREAS, To commemorate the adoption of our flag, the Congress, designated June 14 of each year as "Flag Day" and requested a calling for its observance and for the display of the flag of the United States on all government buildings; and

THEREFORE, I, Douglas A. Jackson, Mayor of the Town of hereby proclaim June 14, 2021 as Flag Day and urge all Americans to observe Flag Day by displaying the flag.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 14th day of June 2021.

Douglas A. Jackson, Mayor

Attest:

Donald Harvey, Town Clerk

2. Father's Day June 20, 2021.



PROCLAMATION
Father's Day - June 20, 2021

WHEREAS, A special bond exists between a father and his children. On Father's Day we recognize the important role fathers play in the American family, and we honor them for their strength, love, and commitment.

WHEREAS, Is an officially proclaimed national observance.

WHEREAS, Fathers have a duty to love their children with all their hearts and prepare them to be independent, compassionate, and responsible citizens. A father's words and actions are critical in shaping the character of his children. A father's love helps teach them right from wrong, explains to them the consequences of bad decisions, and strengthens them with encouragement.

WHEREAS, As we honor our fathers on this day, we express our heartfelt appreciation for their leadership, support and protection for their children and families. We particularly recognize the many fathers who are far from home, serving our Nation and defending the cause of freedom around the world. They have answered a great call and live by a code of honor and duty that serves as an example for their sons and daughters and for all Americans.

NOW, THEREFORE, I, Douglas A. Jackson, Mayor of the Town of Winterville hereby proclaim June 20, 2021, as Father's Day and encourage all Americans to express love, admiration, and thanks to their fathers for their contributions to our lives and to society.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 14th day of June 2021.

Douglas A. Jackson, Mayor

Attest:

Donald Harvey, Town Clerk

3. Boys and Girls Club Week June 21-25, 2021.



PROCLAMATION
Boys & Girls Club Week 2021

WHEREAS, the young people of Winterville are tomorrow's leaders; and

WHEREAS, many such young people need professional youth services to help them reach their full potential; and

WHEREAS, the Boys & Girls Club in Winterville, North Carolina provides services to more than 590 young people annually; and

WHEREAS, Boys & Girls Clubs are places where great futures start. They are at the forefront of efforts in academic success, healthy lifestyles, and good character and citizenship; and

WHEREAS, Boys & Girls Club organizations in our state help ensure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and

WHEREAS, Boys & Girls Clubs of the Coastal Plain will celebrate National Boys & Girls Club Week 2021 along with some 3,800 Clubs and more than two million young people nationwide.

NOW, THEREFORE, I, Douglas A. Jackson, Mayor of the Town of Winterville hereby proclaim, June 21, 2021 through June 25, 2021 as **BOYS & GIRLS CLUB WEEK** in Winterville, and call on all citizens to join with me in recognizing and commending the Jack Minges Boys & Girls Club in Winterville for providing comprehensive, effective services to the young people in our communities.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 14th day of June 2021.

Douglas A. Jackson, Mayor

Attest:

Donald Harvey, Town Clerk

4. Juneteenth Day 2021.



PROCLAMATION
Juneteenth Day June 19, 2021

WHEREAS, Our country is made up of people from every nation on earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and

WHEREAS, Our nation was conceived on July 4th 1776 with the Declaration of Independence, the classic statement being, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS, At 2:00 pm on New Year's Day, January 1, 1863, using his war powers as President, Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as slaves within any State or designated part of a State "shall be then, thenceforward, and forever free"; and

WHEREAS, it took almost two and a half years for the news of freedom to gradually disseminate through the nation: on June 19, 1865, Union Soldiers arrived in Galveston, Texas and issued General Order No. 3 announcing freedom to some of the last slaves in America. This involves an absolute equality of personal rights and rights of property, between former masters and slaves, and the connection heretofore existing between them, become that between employer and hired labor; and

WHEREAS, June 19, or Juneteenth, has now been celebrated for 155 years and is nationally recognized as the National Freedom Day, commemorating the abolition of sanctioned slavery in the United States; and

NOW, THEREFORE, I, Douglas A. Jackson, Mayor of the Town of Winterville hereby proclaim June 19, 2021 as JUNETEENTH DAY 2021, acknowledge and celebrate this critical day in African-American history and encourage all residents to learn more about this day and join in its celebration.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 14th day of June 2021.

Douglas A. Jackson, Mayor

Attest:

Donald Harvey, Town Clerk

PUBLIC HEARINGS:

1. Kenneth Smith Property (Brookstone, Phase 2) – Rezoning Request (Parcel 70650): Planning Director Jones gave the following presentation:

Town of
WINTERVILLE
A slice of the good life!

Town Council – June 14, 2021

**Kenneth Smith Property
(Brookstone, Phase 2)
Rezoning Request**

Presenter:
Bryan Jones,
Planning Director



Town of
WINTERVILLE
A slice of the good life!

Kenneth Smith Property – Rezoning Request

- Applicant: Kenneth Smith Properties, Inc
- Location: Church Street Ext south of its intersection with Park Road
- Parcel Number: 70650
- Site Data: 27.05 acres
- Current Zoning District: R-15 CD
- Proposed Zoning District: R-10



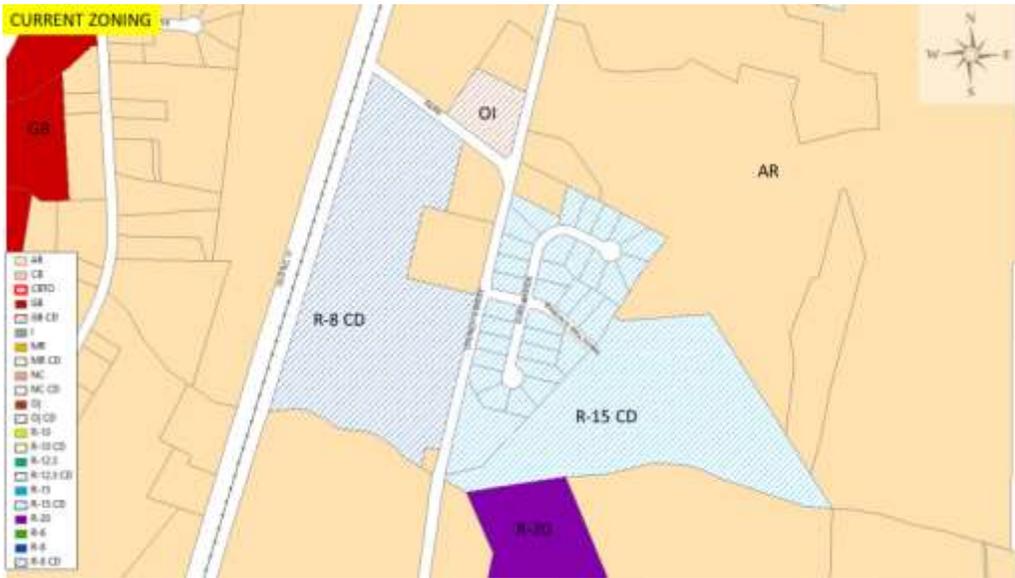
- Public Hearing Notice was published in the Daily Reflector on June 2, 2021 and June 9, 2021.
- Adjacent property owners were mailed notification of the rezoning request on May 27, 2021.
- Notification was posted on the site on March 26, 2021.



Site History

- Initial rezoning to R-15 CD approved January 9, 2006.
- The Preliminary Plat for Brookstone was approved May 8, 2006.
- Brookstone, Phase 1 Final Plat was approved in 2007 (PZ – May 7, 2007 and TC – August 13, 2007).
- CD amended May 2019 (replaced requirement to have 25% of homes be brick with all homes to have 25% stone/brick façade).







- Conservation**
The 100-year floodplain is regulated in order to prevent loss during floods. These areas are appropriate for outdoor recreation, agriculture / silviculture, and are otherwise predominantly unsuitable for development. This area also includes cemeteries.
- Rural Residential**
Very low density, single family detached residential on very large lots in a rural setting. Generally less than 1 dwelling per acre, and almost always without sewer service. Industrial agricultural operations are still active in these locations.
- Suburban Residential**
Primarily the large lot, single family detached residential that many people love about the town's housing stock. Generally 2-3 dwelling units per acre, larger lots, with front- and side-loaded garages. Smaller lot sizes occasionally if minimum standards for open space and amenities are exceeded.
- Urban Neighborhood**
Primarily medium-sized lots with single family detached residential and occasionally smaller-scale, context-sensitive public homes and attached residential permitted if design criteria are met. Generally 3-6 dwellings per acre. Some small-scale services, restaurants, or offices encouraged at select locations with good access.
- Commercial Overlay**
Potential for small-scale commercial that is sensitive to existing residential development if good transportation access is possible.

- Neighborhood Center**
Context-appropriate commercial, retail, services, professional offices, and occasionally residential located at key locations and crossroads that serve the general neighborhood around them. Small lot residential or patio homes (and/or attached residential) could be part of land use mix.
- Mixed Use Center**
Mix of commercial, retail, restaurants, and service-oriented businesses, with a variety of residential options, including multi-family, townhomes, and upper-story residential. Offices also potentially on upper floors. Walkable places with a pedestrian-focused "downtown" feel.
- Regional Center**
High- to medium-intensity commercial, retail and lodging uses that act as regional activity centers, with offices and residential potentially mixed in. Primarily auto-oriented destinations with national or regional businesses.
- Employment / Residential**
These areas could include office buildings, storage and flex uses, supporting commercial uses and/or medium to high-intensity residential uses.
- Office & Employment**
Large office buildings, manufacturing, distribution, and high- to medium-industrial uses, storage and flex uses, along with associated offices and supporting commercial uses.
- Institution or Park**
Community schools, the Pied Community College campus, town parks, and open space areas form a fabric that binds the community together. New institutional, civic, and open space uses are potentially allowed in any future land use category.

FUTURE LAND USE CHARACTER AREA

General Character
Large lot, low density single family residential was identified by the community as a land use type that was appropriate and valued in many locations. This flexible land use type is appropriate for many areas of the planning area and will likely be served by town utilities.

Typical Components	
Density	0.25 dw/acre
Lot coverage	Low
Building height	1-2 stories
Parking	Off-street front, side, or rear
Street pattern	Suburban and modified grid
Height of view walls	30' or
Block length	400' - 600'
Drainage	On-lot and on-lot
Design/Restrictions	Suburban lot sizes
Open space	10-20%, including passive recreation, trails, playgrounds, amenity centers, sports grounds
Vehicle turning	Typically R, TR, LR, TR or LR (L, S, R) or LR if additional open space or amenities are provided

Uses
Primarily single family detached residential with sewer service.

Buildings & Parking
Buildings are usually set back from the road and have large front and rear yards. Parking should be off street as much as possible, especially since driveways are limited.

Streets & Connections
These neighborhoods have low to medium density and are fairly homogeneous. Street connections to adjacent neighborhoods is key to creating a community and preserving options for the future. Interwalks connect neighborhoods, and landscaping is primarily open or maintained.

Suburban Residential

Adapted: 10/14/2018

Land Use & Character | 47



Staff Recommendation:

- Site Details – Combined with the existing subdivision, the density of the proposed zoning district would meet the density recommendations of the Land Use Plan.
- Planning Staff finds the request is reasonable and in the public interest because the proposed zoning district is compatible with surrounding land uses and the future land use plan.
- Staff recommends approval of the request to rezone 27.05 acres from R-15 CD to R-10



Comments Received:

- **Via Email Dated April 13, 2021:** “Willard and Lottie Joyner at lot 7 in Brookstone are opposed to the proposed zoning request. The request doesn’t state that it will be part of the already established Brookstone Subdivision but since it will be adjoining we feel that it should be zoned the same. It’s always about the cost but I think if you build a good quality home it’s a greater benefit to the community.”
- **Via Phone Call May 4, 2021:** Mr. Lewis Tripp (owner of adjacent parcel 22742) called and said he is in favor of the rezoning.
- **Via Phone Call June 14, 2021:** Mr. Abbott Hunsucker (owner of adjacent parcel 11644) called and said he is in favor of the rezoning.



REZONING PROCESS:

- Planning and Zoning Board recommended approval (7-1) to Town Council on April 19, 2021.
- Town Council will now hold a Public Hearing.



Councilman Moyer asked if Phase 1 was complete. Planning Director Jones said 4 or 5 permits have been obtained and there are wetlands issues on some. Councilman Moore asked what other towns inform people further from proposed rezoning. Planning Director Jones asked outside the 500 feet required. Attorney Lassiter said Town can notify further out, however, wise to stay at statutory level.

Mayor Jackson declared the public hearing open, asked if anyone would like to speak in favor of the annexation request.

Kenneth Smith, owner, said smaller lot helps to average out size to cut down costs. Councilman Moyer asked if he had done any developments this size? Kenneth Smith responded Magnolia Ridge, many more.

Mayor Jackson asked if anyone would like to speak in opposition of the rezoning request.

Councilman Moore said we have too many R-10 lots, they result in domestic problems. Planning Director Jones said over 1,200 feet away from Colonial Woods. Councilman Moore said more than minimum distance, however, less domestic distance. Mayor Pro Tem Hines noted need to keep prices down. Councilman Moore said people moving out. Councilman Smith we have R-8 and R-10 across the street. Kenneth Smith noted Colonial Woods is on septic tanks and does not have curb and gutter. Councilwoman Roberson asked about drainage at Magnolia Ridge. Kenneth Smith said an Engineer will design drainage and will be approved by state. He noted a drainage canal divides this parcel. Mayor Pro Tem Hines said the plat will show the design. Councilwoman Roberson said she wants to make sure there are no problems.

Mayor Jackson declared the public hearing closed. Mayor Jackson asked for any further discussion or any more questions. Hearing none what is the Board's pleasure.

Motion made by Councilman Moyer and seconded by Mayor Pro Tem Hines to approve the Kenneth Smith Property (Brookstone, Phase 2) Rezoning Request (Parcel 70650). Motion carried 4-1, Councilman Moore opposed.

PUBLIC COMMENT: None

CONSENT AGENDA:

Items included in the Consent Agenda:

1. Approval of the following sets of Council Meeting Minutes:
 - May 10, 2021 Regular Meeting Minutes.
2. Cancellation of Deed of Trust from Lina Green to Winterville CDBG Program.
3. Cancellation of Deed of Trust from Paul Lynch to Winterville CDBG Program.
4. Schedule the Public Hearing for Rezoning Request of Carroll Crossing, Section 3 – (Parcel 04819) for August 9, 2021.
5. Approval of Budget Amendment 2020-2021-4.

Motion made by Councilman Moore and seconded by Mayor Pro Tem Hines to approve the consent agenda. Motion carried unanimously, 5-0.

OLD BUSINESS: None

NEW BUSINESS:

1. 2021-2022 Fiscal Year Budget Ordinance: Town Manager Parker noted that the Budget Ordinance reflects totals from the Draft Balanced Budget as presented and discussed at the Budget Public

Hearing held on Monday, June 7, 2021.

**TOWN OF WINTERVILLE
BUDGET ORDINANCE
FISCAL YEAR 2021-2022**

BE IT ORDAINED by the Governing Board of the Town of Winterville, North Carolina:

SECTION 1: It is estimated that the following revenues will be available in the General Fund for the Fiscal year beginning July 1, 2021 and ending June 30, 2022:

Ad Valorem Taxes	4,436,432
Other Taxes and Licenses	2,840,707
Permits and Fees	15,750
Sanitation Fees	571,000
Investment Income	4,000
Inspections	188,000
Miscellaneous Income	146,380
Grant Revenue	69,000
Inter-Fund Transfer Services	1,361,996
Electric Fund Contribution	650,000
EMS Contribution	146,201
Fund Balance Appropriation	469,544
Total	10,899,010

SECTION 2: The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

Governing Board	108,211
Administration	701,275
Finance	969,169
Inspections	336,194
Human Resources	135,871
Information Technology	451,500
Planning Department	150,424
Public Buildings	708,806
Grounds and Maintenance	32,000
Police Department	2,402,603
Fire Department	999,900
EMS Department	146,201
Animal Control	15,253
Mosquito Control	8,600
Public Works	895,093
Sanitation	553,000
Non-Departmental	2,284,910
Total	10,899,010

SECTION 3: The following revenues will be available in the Recreation Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

Program Fees	\$127,525
Concession Income	\$50,000
<u>General Fund Transfer</u>	<u>\$967,243</u>
	\$1,144,768

SECTION 4: The following amount is hereby appropriated in the Recreation Fund for operation of the Winterville Recreation Programs during the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Recreation Department</u>	<u>\$1,144,768</u>
	\$1,144,768

SECTION 5: It is estimated that the following revenues will be available in the Powell Bill Fund for the Fiscal year beginning July 1, 2021 and ending June 30, 2022:

Grant Funding	\$228,247
<u>Interest Income</u>	<u>\$120</u>
	\$228,367

SECTION 6: The following amount is hereby appropriated in the Powell Bill Fund for the operation of the Powell Bill Program for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Powell Bill</u>	<u>\$228,367</u>
	\$228,367

SECTION 7: It is estimated that the following revenues will be available in the Home Housing Program Fund for the Fiscal year July 1, 2021 and ending June 30, 2022:

<u>General Fund Contribution</u>	<u>\$20,000</u>
	\$20,000

SECTION 8: The following amount is hereby appropriated in the Home Housing Program Fund for the operation of the Urgent Repair and Housing Program for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Contracted Service</u>	<u>\$20,000</u>
	\$20,000

SECTION 9: It is estimated that the following revenues will be available in the Fire Grant Fund for the Fiscal year July 1, 2021 and ending June 30, 2022:

Grant Funding	\$440,885
<u>General Fund Contribution</u>	<u>\$623,931</u>
	\$1,064,816

SECTION 10: It is estimated that the following appropriations will be available in the Fire Grant Fund for the Fiscal year July 1, 2021 and ending June 30, 2022:

<u>Fire Grant Fund</u>	<u>\$1,064,816</u>
	\$1,064,816

SECTION 11: It is estimated that the following revenues will be available in the Electric Enterprise Fund for the Fiscal year July 1, 2021 and ending June 30, 2022:

Sales and Service	\$7,094,671
<u>Retained Earnings</u>	<u>\$226,915</u>
	\$7,321,586

SECTION 12: The following amount is hereby appropriated in the Electric Enterprise Fund for the operation of the electric utility for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Electric Department</u>	<u>\$7,321,586</u>
	\$7,321,586

SECTION 13: It is estimated that the following revenues will be available in the Water Enterprise Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Sales and Service</u>	<u>\$1,646,514</u>
	\$1,646,514

SECTION 14: The following amount is hereby appropriated in the Water Enterprise Fund for the operation of the water utility for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Water Department</u>	<u>\$1,646,514</u>
	\$1,646,514

SECTION 15: It is estimated that the following revenues will be available in the Sewer Enterprise Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Sales and Service</u>	<u>\$2,489,900</u>
	\$2,489,900

SECTION 16: The following amount is hereby appropriated in the Sewer Enterprise Fund for the operation of the sewer utility for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Sewer Department</u>	<u>\$2,489,900</u>
	\$2,489,900

SECTION 17: It is estimated that the following revenues will be available in the Stormwater Fund for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Sales and Service</u>	<u>\$509,930</u>
	\$509,930

SECTION 18: The following amount is hereby appropriated in the Stormwater Fund for the operation of the Storm Water utility for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022:

<u>Storm Water Department</u>	<u>\$509,930</u>
	\$509,930

SECTION 19: There is hereby levied a tax at the rate of forty-seven and one-half cents (\$.475) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2021 for the purpose of raising the revenue listed as "Ad Valorem Taxes" in the General Fund in Section 1 of this ordinance. This rate is based on a total estimated valuation of property for the purposes of taxation of \$787,066,676 and an estimated rate of collection of 98% for real and personal property, 100% for vehicles.

SECTION 20: The Town Manager (Budget Officer) is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. May amend line item appropriations within any Fund as long as the total appropriation of that Fund is not changed. A record of any such amendments shall be maintained by the Finance Director for public inspection.
- b. May not transfer any amounts between funds, unless approved by the Governing Board through an amendment to the Budget Ordinance.

SECTION 21: The attached Fee and Utility Rate Schedules are hereby adopted for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

SECTION 22: The attached Pay and Classification Plan is hereby adopted for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

SECTION 23: Copies of the Budget Ordinance shall be furnished to the Town Clerk to the Governing Board and to the Town Manager (Budget Officer) to be kept on file by them for their direction in the disbursement of funds.

Adopted this 14th day of June 2021.

Douglas A. Jackson, Mayor

Attest:

Donald Harvey, Town Clerk

Mayor Jackson asked for any further discussion or any more questions. Hearing none what is the Board's pleasure.

Motion made by Councilwoman Roberson and seconded by Councilman Moore to approve the 2021-2022 Fiscal Year Budget Ordinance. Motion carried unanimously, 5-0.

2. Board of Adjustment Appointments: Planning Director Jones noted that the Board of Adjustment consists of five (5) Members; four (4) members of the board shall be appointed by the Town Council and shall be residents of the Town of Winterville, and one (1) member shall be appointed by the Pitt County Board of Commissioners, all for overlapping terms of three years. There is also one (1) alternate regular member and one (1) alternate ETJ member.

Staff recommended reappointing the following Board of Adjustment Members to three year terms effective immediately with terms expiring June 30, 2024.

- Edward Reynolds.
- Alfred Phillips.
- Jeffrey Briley (ETJ) re-appointed by the Pitt County Board of Commissioners in June 2021.

Mayor Jackson asked for any discussion or questions. Hearing none what is the Board's pleasure.

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moore to appoint Edward Reynolds, Alfred Phillips, and Jeffrey Briley to the Board of Adjustment with terms expiring June 30, 2024. Motion carried unanimously, 5-0.

3. Recreation Advisory Board Appointments: Parks and Recreation Director Johnston noted that the Recreation Advisory Board is made up of six (6) resident members, three (3) non-resident (ETJ) members, and one (1) alternate member that may be a resident or non-resident (ETJ). The Recreation Advisory Board has four (4) members whose term expires June 30, 2021 and have requested to be appointed to an additional term. Following is list of said members and their membership type: Johnny Fleming (Resident), Victoria Hawkins (Resident), John Relford

(Resident), and Carolyn Wanczyk (Alternate).

Staff recommends that all current members, as listed above, be re-appointed to an additional two (2) year term on the Recreation Advisory Board.

Staff would like to note that there are three applications on file in which applicant indicated interest in Recreation Advisory Board:

- Amy Brothers - Resident: Listed Recreation Advisory Board as only priority.
- James Jones - Resident: Listed Recreation Advisory Board as number two (2) priority.
- Katrina Jones - Resident: Listed Recreation Advisory Board as number two (2) priority

Council and Staff discussed the make-up on the Board and location restrictions, it was determined a change would be in the best interest.

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moore to amend the make-up of the Board to seven (7) resident members, two (2) non-resident (ETJ) members, and one (1) alternate member that may be a resident or non-resident (ETJ). Motion carried unanimously, 5-0.

Mayor Jackson asked for any further discussion or any more questions. Hearing none what is the Board's pleasure.

Motion made by Mayor Pro Tem Hines and seconded by Councilman Moore to re-appoint Johnny Fleming (resident), Victoria Hawkins (resident), John Relford (resident), Carolyn Wanczyk (alternate), and Amy Brothers (resident). Motion carried unanimously, 5-0.

4. American Rescue Plan Discussion/Direction: Town Manager Parker noted that Staff is prepared to have a discussion on the ARP funds the Town will be receiving and ask for Council direction on how these funds are to be expended.

Town Manager Parker reviewed the process. Finance Director Bowers discussed the ARP funding topic. Town will receive \$2.9 million over 2 years. Rules are established by the U.S. Treasury. They will create uses. Careful usage and audit requirements will be important. Assistant Town Manager Williams noted we can use on projects that we have pursued in the past, such as water and stormwater that we did not receive funding. These include water hydraulics project in certain areas, estimated at approximately \$532,000. Also, other projects on the books like the big projects including Nobel Canal drainage project not funded. This project had multiple phases including phases 4 and 5. The upper end at W.H. Robinson School and Railroad Street, Worthington Street to Tyson Street, estimated at approximately \$1.97 million. If combined with bank stabilization, estimated at approximately \$2.7 million.

Assistant Town Manager Williams said banks alone estimated at approximately \$90,000. Councilman Moyer asked what type of work. Assistant Town Manager Williams said work in critical areas. Councilman Smith asked what project the staff recommends. Mayor Pro Tem Hines said use it all. Town Manager Parker said we have more project than money, over 2 years. Town Manager Parker asked Council for direction. Councilman Smith said of the items presented, Railroad Street is priority 1.

Mayor Jackson asked for any further discussion or any more questions. Hearing none what is the Board's pleasure.

Motion made by Councilman Smith and seconded by Mayor Pro Tem Hines to approve Railroad Street Drainage as #1 priority for use of ARP funds. Motion carried, 3-2. Councilman Moyer and Councilwoman Roberson opposed.

Councilwoman Roberson the motion excluded stabilization. Town Manager Parker said Staff will update all projects presented. Councilman Moye said he wants prices for all projects. Finance Director Bowers said we can bring back projects Staff needed a place to put funds. Town Manager Parker noted a lot to be done to get things going. Councilman Moye Said numbers will be brought back.

Councilwoman Roberson noted a fire hydrant on Knot Street. Assistant Town Manager Williams said Staff is trouble shooting the problem.

Resolution No. 21-R-061

RESOLUTION

ACCEPTING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

WHEREAS, the State of North Carolina will appropriate funding from the American Rescue Plan Act (ARPA) to fund recovery from the economic and health effects from the COVID-19 pandemic and ongoing recession; and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible municipalities; and

WHEREAS, before receiving a payment, the Town adopts this resolution affirming that the Town will spend the funding only on expenses as required under the American Rescue Plan Act; and

WHEREAS, the Town of Winterville does hereby authorize the acceptance of funds through the American Rescue Plan Act and acknowledges funds will be issued via the State of North Carolina; and

WHEREAS, the Town of Winterville will comply with all laws, rules, and regulations pertaining thereto; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winterville do hereby request American Rescue Plan Act funding to be distributed by the State of North Carolina and by adopting this resolution affirm that the revenue will only be used for the purposes prescribed in the American Rescue Plan Act guidance and any applicable regulations, for necessary expenditures incurred due to the public health emergency connected with the COVID-19 pandemic, budget and certify such to the State of North Carolina and the Town of Winterville Finance Director; and

BE IT FURTHER RESOLVED that the Town Council will comply with the procedure created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act.

Adopted this the 14th day of June 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk

Motion made by Mayor Pro Tem Hines and seconded by Councilwoman Roberson to approve Resolution 21-R-061 accepting American Rescue Plan Act (ARPA) Funds. Motion carried unanimously, 5-0.

OTHER AGENDA ITEMS: None

ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS: None

REPORTS FROM DEPARTMENT HEADS:

Planning Director Jones noted that Staff is working with Britt Development. A Public Hearing will be held in August. Police Chief Willhite and Parks and Recreation Director Johnston discussed the National Night Out event and other events in the spring held in conjunction with the Easter Egg Hunt.

ANNOUNCEMENTS: Town Clerk Harvey gave the following announcements.

1. Rescheduled Touch-A-Truck: Thursday, June 17, 2021 from 4:00 pm until 8:00 pm at Winterville Square. 252 Main Street.
2. Planning and Zoning Board Meeting: Monday, June 21, 2021 @ 7:00 pm - Town Hall Assembly Room. (Limited In-Person Attendance and Electronic via ZOOM).
3. Recreation Advisory Board: Tuesday, June 22, 2021 @ 6:30 pm – Operation Center.
4. Happy Birthday, USA! Thursday, July 1, 2021 from 4:00 pm until 8:00 pm at Winterville Square. 252 Main Street.
5. Town Offices Closed: Monday, July 5, 2021 for the Independence Day (Observed).
6. No Regular Town Council Meeting: Monday, July 12, 2021.
7. Back to School Splash & National Night Out: Tuesday, August 3, 2021 from 4:00 pm until 8:00 pm at Winterville Square. 252 Main Street.

REPORTS FROM THE TOWN ATTORNEY, MAYOR, AND TOWN COUNCIL, AND TOWN MANAGER:

Attorney Lassiter: None

Councilman Moore: None

Mayor Pro Tem Roberson: The Spot on Tyson Street with a steel plate. Assistant Town Manager Williams said the spots will be repaved.

Councilman Smith: None

Councilman Moyer: Are Computer upgrades taking place, do we keep up with employees and if they have any problems, will we compensate them.

Councilman Hines: What is the status of Attorneys' contract. Attorney Lassiter said work at pleasure of the Board at an hourly rate \$200/hour, this has been for 4-5 years.

Manager Parker: None

Mayor Jackson: 4th of July

ADJOURN:

Motion made by Mayor Pro Tem Hines and seconded by Councilman Smith to adjourn. Motion carried unanimously, 5-0. Meeting adjourned at 8:42 pm.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk

DRAFT



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Sutton Capital Group – Rezoning Request (Parcels 12045, 23479, 38386).

Action Requested: Schedule Public Hearing on the Rezoning Request for September 13, 2021.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification of Rezoning, Address Labels to Adjacent Property Owners, and Staff Report.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Applicant: Sutton Capital Group.

Location: Intersection of Reedy Branch Road and Davenport Farm Road.

Parcel Numbers: 12045, 23479, and 38386.

Site Data: 94.372 acres.

Current Zoning District: AR.

Proposed Zoning District: R-10 CD, R-8 CD, and R-6 CD.

- ❖ Proposed Zoning Districts: R-10 (33.773 Acres), R-8 (30.579 Acres), R-6 (22.613 Acres).
- ❖ Adjacent property owners were mailed notification of the rezoning request on June 7, 2021 and July 6, 2021.
- ❖ Notification was posted on the site on June 8, 2021.
- ❖ Planning and Zoning Board recommended approval of the rezoning request (7-1) on July 19, 2021.

Conditions:

- (1) All lots will be single family residential.
- (2) 8-foot Side Setbacks.
- (3) All homes will be a minimum of 1,500 SF (Heated).
- (4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents.
- (5) All homes will include a 2-car garage.
- (6) Dedication of 30-foot Greenway easement along Swift Creek.
- (7) Development will include amenity area with pool and cabana.

Budgetary Impact: TBD.

Recommendation: Schedule Public Hearing on the Rezoning Request for September 13, 2021.



REZONING APPLICATION
TOWN OF WINTERVILLE
2571 Railroad St.
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Sutton Capital Group

Address: 1101 South Boulevard #106, Charlotte, NC 28203

Phone #: (704) 226-2588

Owner: H. Jenkins Family, LLC, & Beverly Davison and Eric Uhlenbrock, & Beverly Davison, Etal

Address: 445 Jackie Brinkley Rd, Aulander, NC 27805 & 320 Sea Oats Trail, Southern Shores, NC 27949

Phone #: _____

PROPERTY INFORMATION

Parcel #: 12045, 23479, 38386 Area (square feet or acres): 94.372 acres

Current Land Use: Vacant

Location of Property: NCSR 1128 (Davenport Farm Road) and NCSR 1311 (Reedy Branch Road)

ZONING REQUEST

Existing Zoning: AR Requested Zoning: R-10, R-8, R-6

Reason for zoning change: The proposed residential zoning will allow for the development of Urban

Neighborhood in general conformance with the land use plan. Please see attached document for proposed conditions of the rezoning.

This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER/AGENT STATEMENT

I, Darren Sutton, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance my result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

[Signature] 7/19/2021
Signature Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

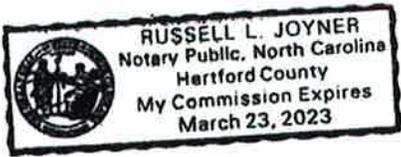
I, H. Jenkins Family, LLC, being the Owner of the property described herein, do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this application.

[Signature] 7-16-2021
Signature Date

Sworn to and subscribed before me, this 16 day of July, 2021.

[Signature]
Notary Public

My Commission Expires: 03-23-2023



OWNER/AGENT STATEMENT

I, Darren Sutton, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

[Signature] 7/19/2021
Signature Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, Beverly Davison, Janet Hare, Joan Neitz, & Eric Uhlenbrock, being the Owners of the property described herein, do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this application.

[Signature] 7/16/2021
Signature Date

Sworn to and subscribed before me, this 16 day of July, 20 21.

[Signature]
Notary Public

My Commission Expires:
Aug 25, 2024



OWNER/AGENT STATEMENT

I, Darren Sutton, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

DocuSigned by: [Signature] 7/19/2021
Signature _____ Date _____
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NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, Beverly Davison & Eric Uhlenbrock, being the Owner of the property described herein, do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this application.

[Signature] _____ Date 7-16-2021
Signature _____ Date _____

Sworn to and subscribed before me, this 16 day of July, 2021.

[Signature]
Notary Public

My Commission Expires:
Aug 25, 2024



OWNER/AGENT STATEMENT

I, Darren Sutton, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance my result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

DocuSigned by:

Signature
243D487A9D72466...

7/19/2021
Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, Beverly Davison, Janet Hare, Joan Neitz, & Eric Uhlenbrock, being the Owners of the property described herein, do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this application.


Signature

7-17-2021
Date

Sworn to and subscribed before me, this 17 day of July, 2021.


Notary Public

My Commission Expires:

12-31-2024



OWNER/AGENT STATEMENT

I, Darren Sutton, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

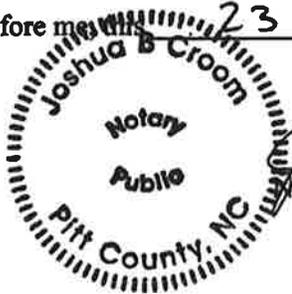
[Signature] _____ Date 7/21/21

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, ~~Beverly Davison, Janet Hare, Joan Neitz, & Eric Uitenbrock~~, being the Owners of the property described herein, do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this application.

[Signature] _____ Date 7-23-21

Sworn to and subscribed before me this 23 day of July, 2021.



[Signature] _____
Notary Public

My Commission Expires:
November 13, 2022

OWNER/AGENT STATEMENT

I, Darren Sutton, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 2021.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

Darren Sutton
Signature

7/27/21
Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, Beverly Davison, Janet Hare, Joan Neitz, & Eric Uhlenbrock, being the Owners of the property described herein, do hereby authorize Darren Sutton & Scott Anderson as agents for the purpose of this application.

[Signature]
Signature

7-20-21
Date

Sworn to and subscribed before me, this 20 day of July, 2021.

Tiffany Diven
Notary Public

My Commission Expires:

12-16-2023



**LEGAL DESCRIPTION OF PROPERTY
TO BE REZONED FROM AR TO R-10
SUTTON CAPITAL, LLC
TRACT 1
WINTERVILLE TOWNSHIP, PITT, NC
MAY 28, 2021**

Beginning at a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), said point being the northeastern corner of the Church of the Open Door, Inc. Property as described in Deed Book 3930, Page 40 of the Pitt County Register of Deeds, said point also being located S 11°14'38" W 580.60' as measured along the western right-of-way of NCSR 1131 (Reedy Branch Road) from a point where the western right-of-way of NCSR 1131 (Reedy Branch Road) intersects the southern right-of-way of NCSR 1128 (Davenport Farm Road). From the above described beginning, so located, running thence as follows:

Leaving the western right-of-way of NCSR 1131 (Reedy Branch Road) and with the northern line of above referenced Church of the Open Door, Inc. Property, S 77°15'38" W 2,196.36', thence N 21°04'34" W 222.47', thence N 11°02'43" E 398.00', thence S 78°13'33" E 196.64', thence N 75°02'24" E 80.22', thence N 12°48'57" W 45.08', thence S 89°01'48" E 19.71', thence N 87°20'49" E 178.23', thence N 01°22'25" W 198.14' to a point on the curved southern right-of-way of NCSR 1128 (Davenport Farm Road), thence with the curved southern right-of-way of NCSR 1128 (Davenport Farm Road), an arc distance of 481.63', said curve to the left having a radius of 2,233.57' and a chord bearing N 80°47'33" E 480.69' to the point of tangency, thence N 76°23'48" E 700.66' to the point of curvature, thence with a curve to the right an arc distance of 369.00', said curve having a radius of 1,026.65' and a chord bearing N 86°57'16" E 367.02' to the point of tangency, thence S 82°44'56" E 78.05', thence leaving the southern right-of-way of NCSR 1128 (Davenport Farm Road), S 11°11'48" W 228.82', thence S 82°51'42" E 208.33' to a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), thence with the western right-of-way of NCSR 1131 (Reedy Branch Road), S 11°14'38" W 352.18' to the point of beginning containing 32.682 acres and being a portion of the property described in Deed Book 882, Page 199 of the Pitt County Register of Deeds.

**LEGAL DESCRIPTION OF PROPERTY
TO BE REZONED FROM AR TO R-8
SUTTON CAPITAL, LLC
TRACT 2
WINTERVILLE TOWNSHIP, PITT, NC
MAY 28, 2021**

Beginning at a point on the northern right-of-way of NCSR 1128 (Davenport Farm Road), said point being the southwestern corner of the Reedy Branch FWB Church as described in Deed Book T-40, Page 302 of the Pitt County Register of Deeds. From the above-described beginning, so located, running thence as follows:

With the northern right-of-way of NCSR 1128 (Davenport Farm Road),
N 82°44'56" W 189.42' to the point of curvature, thence with a curve to the left an arc distance of 390.71', said curve having a radius of 1,086.65' and a chord bearing S 86°57'03" W 388.60' to the point of tangency, thence S 76°23'48" W 701.73' to the point of curvature, thence with a curve to the right an arc distance of 222.75', said curve having a radius of 2,173.57' and a chord bearing
S 77°31'36" W 388.60', thence leaving the northern right-of-way of NCSR 1128 (Davenport Farm Road), N 04°19'44" W 418.31', thence S 20°27'52" W 238.11', thence S 84°39'36" W 201.92', thence N 82°14'18" W 178.64', thence
N 30°44'09" E 439.61', thence N 30°44'09" E 34.64', thence N 19°56'50" E 147.78', thence N 33°03'01" E 34.15', thence N 29°03'17" E 32.17', thence
N 23°53'44" E 40.01', thence N 23°48'27" E 57.70', thence N 18°47'32" E 38.03', thence N 15°46'46" E 45.98', thence N 75°30'25" E 113.66', thence
N 89°11'40" E 67.74', thence S 83°58'05" E 89.23', thence N 87°49'41" E 96.34', thence N 74°11'10" E 44.56', thence N 55°24'41" E 24.83', thence S 74°32'12" E 36.13', thence
N 86°54'53" E 37.12', thence S 79°21'53" E 32.32', thence
N 40°21'25" E 87.05', thence N 49°03'33" E 39.92', thence N 65°43'14" E 25.50', thence N 35°19'30" E 25.23', thence N 22°55'00" E 53.03', thence N 53°56'29" E 47.57', thence
N 74°13'20" E 84.22', thence N 72°52'57" E 50.63', thence
N 89°50'30" E 63.23', thence N 46°48'11" E 17.11', thence S 79°43'35" E 40.06', thence
S 53°20'22" E 29.76', thence S 64°11'04" E 240.69', thence
S 74°45'54" E 83.46', thence S 77°52'04" E 222.95', thence S 73°47'02" E 121.19', thence
S 15°25'37" W 342.44', thence N 85°58'08" E 146.00', thence
S 10°04'25" W 204.15', thence S 10°32'42" W 300.67' to the point of beginning containing 37.579 acres and being a portion of the properties described in Deed Book 3265, Page 532 and Deed Book 882, Page 199 both of the Pitt County Register of Deeds.

**LEGAL DESCRIPTION OF PROPERTY
TO BE REZONED FROM AR TO R-6
SUTTON CAPITAL, LLC
TRACT 3
WINTERVILLE TOWNSHIP, PITT, NC
MAY 28, 2021**

Beginning at a point on the western right-of-way of NCSR 1131 (Reedy Branch Road), said point being the southeastern corner of the Pitt Community College Property as described in Deed Book 346, Page 482 and recorded in Map Book 49, Page 95 both of the Pitt County Register of Deeds. From the above-described beginning, so located, running thence as follows:

With the western right-of-way of 1131 (Reedy Branch Road), S 25°50'32" W 48.75' and S 24°50'56" W 108.87', thence leaving the western right-of-way of NCSR 1131 (Reedy Branch Road), N 66°26'39" W 144.82', thence S 24°03'50" W 176.06', thence N 73°53'34" W 94.24', thence N 73°47'02" W 121.19', thence N 77°52'04" W 222.95', thence N 74°45'54" W 83.46', thence N 64°11'04" W 240.69', thence N 53°20'22" W 29.76', thence N 79°43'35" W 40.06', thence S 46°48'11" W 17.11', thence S 89°50'30" W 63.23', thence S 72°52'57" W 50.63', thence S 74°13'20" W 84.22', thence S 53°56'29" W 47.57', thence S 22°55'00" W 53.03', thence S 35°19'30" W 25.23', thence S 65°43'14" W 25.50', thence S 49°03'33" W 39.92', thence S 40°21'25" W 87.05', thence N 79°21'53" W 32.32', thence S 86°54'53" W 37.12', thence N 74°32'12" W 36.13', thence S 55°24'41" W 24.83', thence S 74°11'10" W 44.56', thence S 87°49'41" W 96.34', thence N 83°58'05" W 89.23', thence S 89°11'40" W 67.74', thence S 75°30'25" W 113.66', thence N 16°21'28" E 101.18', thence N 14°02'10" E 27.83', thence N 11°17'34" E 81.71', thence N 12°42'30" E 118.19', thence N 10°00'57" E 104.93', thence N 11°30'49" E 126.50', thence N 10°48'53" E 58.62', thence N 12°29'35" E 28.89', thence N 14°05'27" E 31.83', thence N 17°05'33" E 34.87', thence N 18°44'53" E 48.23', thence N 19°30'56" E 31.43', thence N 20°18'18" E 36.74', thence N 23°05'28" E 35.06', thence N 25°43'32" E 30.53', thence N 29°04'07" E 49.91', thence N 32°41'41" E 31.93', thence N 37°12'33" E 38.03', thence N 35°36'39" E 22.76', thence S 66°58'35" E 1,820.79' to the point of beginning containing 22.613 acres and being a portion of the property described in Deed Book 3265, Page 537 of the Pitt County Register of Deeds.



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

Planning and Zoning Rezoning Request

NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on Monday, June 21, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

Sutton Capital Group has submitted a rezoning application to rezone Parcels 12045, 23479, and 38386 (94.372 Acres) as shown on the attached map from Agricultural- Residential (AR)) to R-10, R-8, and R-6 Zoning Districts. The R-10 and R-8 Residential Districts are quiet, medium density neighborhoods consisting of single-family residences along with limited home occupations and private and public community uses. The R-6 Residential District is a quiet, relatively high-density neighborhood consisting of single-family and two-family residences along with limited home occupations and private and public community uses

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358 or at wintervillenc.com.

The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. These measures include limiting physical attendance at the meeting, employing social distancing, and implementing remote participation. The meeting is open to the public; however, limited attendance will be allowed to attend in-person due to COVID-19 provisions and the meeting will be available electronically. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Planning and Zoning Board during the meeting should contact the Town Clerk at (252) 215-2344 to register by **one business day before the meeting at 5:00 p.m. The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

SUTTON CAPITAL GROUP
1101 SOUTH BLVD # 106
CHARLOTTE, NC 28203

CHURCH OF THE OPEN DOOR
4584 REEDY BRANCH RD
WINTERVILLE, NC 28590

RALPH CLAYTON DAVENPORT,
JR
DARREN ELWOOD DAVENPORT
547 DAVENPORT FARM RD
WINTERVILLE NC 28590

PITT COUNTY
1717 W FIFTH ST
GREENVILLE NC 27834

JAMES LITTLE FAMILY LTP
203 DAVENPORT FARM RD
WINTERVILLE NC 28590

TRIPP FARMS LLC
105 MARION DR
GREENVILLE, NC 27858

BTD ASSOCIATES LLC
3400 TARHEEL DIVE
RALEIGH, NC 27609

ERIC UHLENBROCK
4432 REEDY BRANCH ROAD
WINTERVILLE, NC 28590

JASON TREMAIN BARNETT
JEANNETTE M BARNETT
933 VAN GERT DRI
WINTERVILLE, NC 28590

JUDY DAIL BOWEN
535 DAVENPORT FARM RD
WINTERVILLE NC 28590

PITT COMMUNITY COLLEGE
BOARD OF TRUSTEES
PO DRAWER 7007
GREENVILLE NC 27835

STELLA LITTLE FARM A
PARTNERSHIP
217 KING GEORGE ROAD
GREENVILLE NC 27858

BLANIE ALLEN MORE, JR
ARDETH L MOYE
237 DAVENPORT FARM RD
WINTERVILLE, NC 28590

CAROLINA CONFERENCE OF
7TH DAY ADVENTISTS INC
4658 REEDY BRANCH RD
WINTERVILLE NC 28590

E MANLY CONGLETON
ERIN B CONGLETON
4661 REEDY BRANCH RD
WINTERVILLE NC 28590

JAMES J FERENCZY
CATHY J FERNCZY
4568 REEDY BRANCH ROAD
WINTERVILLE, NC 28590

DORIS SALMON NOBLES
455 DAVENPORT FARM RD
WINTERVILLE NC 28590

THURMAN DAVIS
EDNA DAVIS
450 DAVENPORT FARM ROAD
WINTERVILLE, NC 28590

REEDY BRANCH FWB
CHURCH
4457 REEDY BRACNH RD
WINTERVILLE, NC 28590

KEVIN LITTLE
203 DAVENPORT FARM RD
WINTERVILLE, NC 28590

TRADE LAND COMPANY, LLC
3675 MARINE DRIVE
GREENVILLE NC 27834

ZEN INVESTMENT
PROPERTIES, INC
4422 REEDY BRANCH ROAD
WINTERVILLE, NC 28590



**Town of Winterville Planning Department
Zoning Staff Report**

GENERAL INFORMATION

APPLICANT	Sutton Capital Group, LLC
HEARING TYPE	Rezoning Request
REQUEST	Agricultural-Residential (AR) to R-10 CD, R-8 CD, R-6 CD
CONDITIONS	n/a
LOCATION	Intersection of Reedy Branch Rd. and Davenport Farm Rd.
PARCEL ID NUMBER(S)	12045; 23479; 38386
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on June 7th, 2021 and July 6, 2021. Notification was posted on site on June 8th, 2021. 22 properties were mailed notification.
TRACT SIZE	94.372 acres
TOPOGRAPHY	Flat
VEGETATION	Partially Cleared / Agricultural; Partially Wooded

SITE DATA

EXISTING USE	Agricultural / Vacant
---------------------	-----------------------

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	O&I	PCC/Wooded
E	AR	Single Family/Church
W	AR/RA-20 (Greenville Zoning)	Single Family/Agricultural
S	AR	Church

ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	AR	R-10; R-8; R-6
MAX DENSITY	n/a	n/a
TYPICAL USES	Low-density residential and agricultural uses; where urban development is expected.	(R-10 & 8) Medium Density; single-family residential; limited home occupations. (R-6) relatively high-density; single-family and two-family; limited home occupations.



SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	Potential wetlands
FLOODPLAIN	N/A
STREAMS	(50' Riparian Buffer along tributary off of Swift Creek) Stream feature located internally and along western property line.
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	Subdivision plan required

**These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

LANDSCAPING & BUFFER REQUIREMENTS

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

TRANSPORTATION

STREET CLASSIFICATION	Reedy Branch/Davenport Farm– NCDOT Roads
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	Davenport Farm Rd- 8500 Reedy Branch Rd- 6700
TRIP GENERATION	N/A
SIDEWALKS	Required.
TRAFFIC IMPACT STUDY (TIS)	Recommended.
STREET CONNECTIVITY	N/A
OTHER	N/A



MPACT ANALYSIS

Land Use Compatibility

The proposed R-10, R-8, and R-6 zoning districts would allow land uses that are compatible with the general character of the area.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as an Urban Neighborhood character area. The requested **R-10; R-8; R-6 Districts** are generally consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Urban Neighborhood - General Character:

- Somewhat higher density, predominantly single family detached residential housing. This land use type was identified as one that is appropriate and valued. This flexible land use type is appropriate for many parts of the planning area.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is encouraged to discuss this proposed rezoning with owners of surrounding properties.

Traffic Impact / Analysis

The existing traffic patterns on Davenport Farm Road and Reedy Branch Road tend to be congested, especially during peak hours. This is due to the roads being two lane and having a four-way stop at the intersection. Staff recommends providing information on the necessary future upgrades to the rights-of-way and intersection.

Staff Analysis

The 94.372-acre property is currently being used for agriculture. The property North of the request is zoned O&I and is partially wooded but also used for a college campus (PCC). West of the request is zoned AR/RA-20(Greenville Zoning), partially being vacant and partially containing single-family homes. South of the request is zoned AR and is being used as a church campus (Open Door Church). East of the request is zoned AR and is single-family



residential.

The R-10; R-8; and R-6 District rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is generally compatible with the existing development and trends in the surrounding area. With consideration to the existing environmentally sensitive areas that exist on site (i.e. floodplain, buffered stream features) and the combination of the proposed R-10 CD, R-8 CD, and R-6 CD zoning districts, the proposed development is within the density recommendations provided within the Urban Neighborhood character area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 94.372 acres from AR to R-10 CD, R-8 CD, R-6 CD with the following conditions:

- (1) All lots will be single family residential.
- (2) 8' Side Setbacks.
- (3) All homes will be a minimum of 1500 SF (Heated).
- (4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents.
- (5) All homes will include a 2-car garage.
- (6) Dedication of 30' Greenway easement along Swift Creek.
- (6) Development will include amenity area with pool and cabana.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Sutton Capital Group – Rezoning Request (Parcels 12045, 23479, 38386).

Action Requested: Schedule Public Hearing on the Rezoning Request for September 13, 2021.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification of Rezoning, Address Labels to Adjacent Property Owners, and Staff Report.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Applicant: Sutton Capital Group.

Location: Intersection of Reedy Branch Road and Davenport Farm Road.

Parcel Numbers: 12045, 23479, and 38386.

Site Data: 94.372 acres.

Current Zoning District: AR.

Proposed Zoning District: R-10 CD, R-8 CD, and R-6 CD.

- ❖ Proposed Zoning Districts: R-10 (33.773 Acres), R-8 (30.579 Acres), R-6 (22.613 Acres).
- ❖ Adjacent property owners were mailed notification of the rezoning request on June 7, 2021 and July 6, 2021.
- ❖ Notification was posted on the site on June 8, 2021.
- ❖ Planning and Zoning Board recommended approval of the rezoning request (7-1) on July 19, 2021.

Conditions:

- (1) All lots will be single family residential.
- (2) 8-foot Side Setbacks.
- (3) All homes will be a minimum of 1,500 SF (Heated).
- (4) The development will consist of fiber cement board exterior siding on all homes with some elevations consisting of brick or stone accents.
- (5) All homes will include a 2-car garage.
- (6) Dedication of 30-foot Greenway easement along Swift Creek.
- (7) Development will include amenity area with pool and cabana.

Budgetary Impact: TBD.

Recommendation: Schedule Public Hearing on the Rezoning Request for September 13, 2021.



**REZONING APPLICATION
TOWN OF WINTERVILLE**

2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Aquatic Holdings LLC

Address: 556 Third Street Ayden, NC 28513

Phone #: (252) 746-6785

Owner: Aquatic Holdings LLC

Address: 556 Third Street, Ayden, NC 28513

Phone #: (252) 746-6785

PROPERTY INFORMATION

Parcel #: 82774 Area (square feet or acres): 1.3090 acres

Current Land Use: Vacant

Location of Property: East of Aquaventure on Beacon Drive

ZONING REQUEST

Existing Zoning: O&I Requested Zoning: GB

Reason for zoning change: Owner has an offer to purchase which is contingent upon obtaining rezoning which would allow for automobile repair . The portion of the property adjacent to Beacon Drive is presently zoned GB with OI at the rear 100' of the lot. Approximately 1.3 acres of the 3.03 acre lot is zoned O&I therefore approximately 43% of the existing zoning is not useable for the proposed use which necessitates the need for the proposed rezoning

This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER/AGENT STATEMENT

I, G. Tommy Pate Jr., being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 21.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

G. Tommy Pate Jr. Signature 6/29/2021 Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

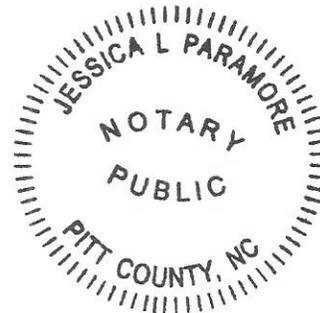
I, _____, being the Owner of the property described herein, do hereby authorize _____ as agent for the purpose of this application.

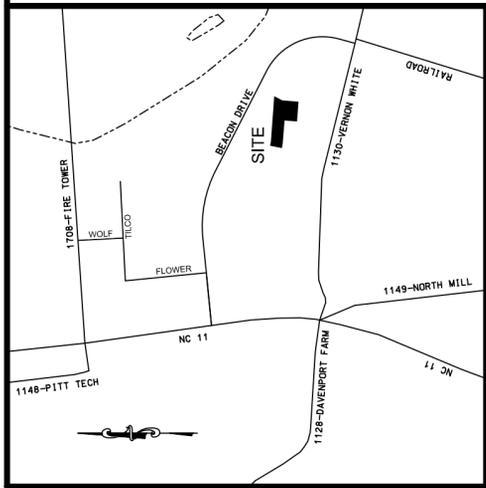
Signature Date

Sworn to and subscribed before me, this 29th day of June, 2021.

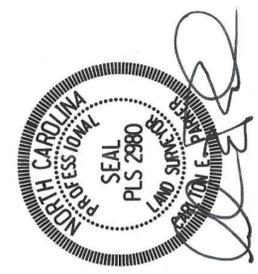
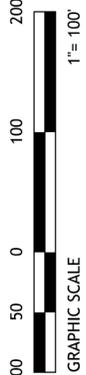
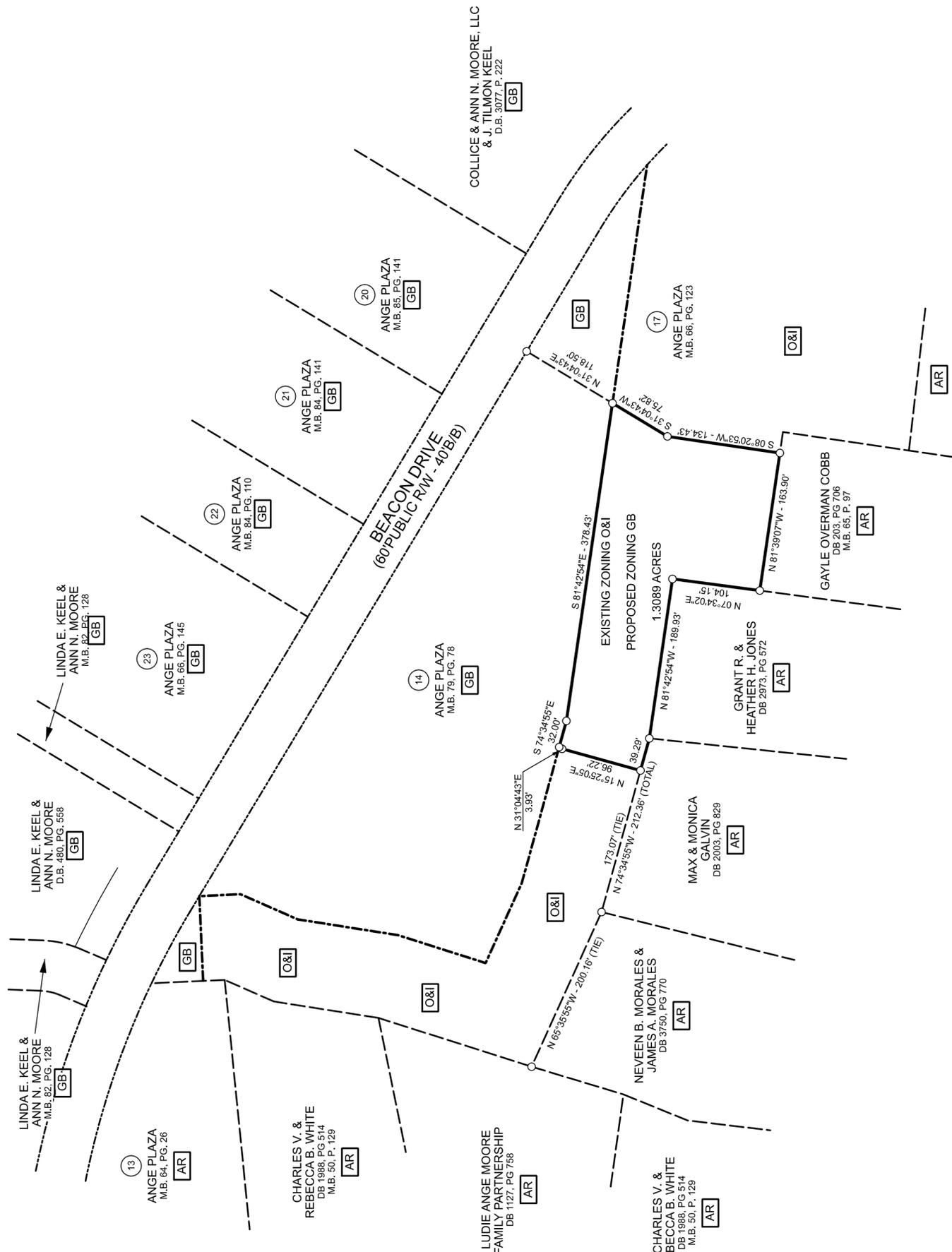
Jessica L. Paramore
Notary Public

My Commission Expires:
12-16-2025





VICINITY MAP
1"=1000'



SHEET 1 OF 1

REZONING MAP FOR			
AQUATIC HOLDINGS, LLC			
A PORTION OF THE PROPERTY RECORDED IN DEED BOOK 3368, PAGE 741 OF THE PITT COUNTY REGISTRY			
WINTERVILLE WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA			
OWNER:	AQUATIC HOLDINGS LLC	SURVEYED:	N/A
ADDRESS:	566 THIRD ST AYDEN NC 28513	APPROVED:	CEP
PHONE:	(252) 746-6785	DRAWN:	WCO
MALPASS & ASSOCIATES		CHECKED:	WKM
NC LICENSE NO. C-1289		DATE:	06/29/21
1645 E. ARLINGTON BLVD., SUITE D		SCALE:	1"=100'
GREENVILLE, N.C. 27858			
(252) 756-1780			

Legal Description For
Aquatic Holdings, LLC

Lying and being situate in Winterville, Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the eastern line of Lot 14 Ange Plaza as recorded in map book 79, page 78 of the Pitt County Registry said point being located S 31-04-43 W – 118.50' from the northeast corner of said Lot 14 Ange Plaza, thence from said point of beginning with the eastern line of Lot 14 Ange Plaza **S 31-04-43 W – 75.82'**, thence **S 08-20-53 W – 134.43'** to the northern line of the Gayle Overman Cobb property as recorded in deed book 203, page 706, thence with the northern line of the Gayle Overman Cobb property **N 81-39-07 W – 163.90'** to the eastern line of the Grant R. Jones property as recorded in deed book 2973, page 572, thence with the eastern line of the Grant R. Jones property **N 07-34-02 E – 104.15'**, thence with the northern line of the Grant R. Jones property **N 81-42-54 W – 189.93'** to the northeast corner of the Max Galvin property as recorded in deed book 2003, page 829, thence with the northern line of the Max Galvin property **N 74-34-55 W – 39.29'**, thence leaving the northern line of the Max Galvin property **N 15-25-05 E – 96.22'**, thence **N 31-04-43 E – 3.93'**, thence **S 74-34-55 E – 32.00'**, thence **S 81-42-54 E – 378.43'** to the point of beginning containing **1.3089 acres**.



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

**Planning and Zoning
Rezoning Request**

NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on Monday, July 19, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

Aquatic Holdings, LLC has submitted a rezoning application to rezone a portion of Parcel 82774 (1.3090 Acres) as shown on the attached map from Office and Institutional to General Business. The purpose of the General Business District (GB) is to accommodate those business that serve the traveling public, require large amounts of land for display and parking, and are not oriented to the pedestrian shopper.

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358 or at wintervillenc.com.

The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. These measures include limiting physical attendance at the meeting, employing social distancing, and implementing remote participation. The meeting is open to the public; however, limited attendance will be allowed to attend in-person due to COVID-19 provisions and the meeting will be available electronically. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Planning and Zoning Board during the meeting should contact the Town Clerk at (252) 215-2344 to register by **one business day before the meeting at 5:00 p.m. The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

AQUATIC HOLDINGS, LLC
556 THIRD STREET
AYDEN, NC 28513

LUDIE ANGE MOORE FAMILY
PARTNERSHIP
PO BOX 1207
WINTERVILLE, NC 28590

GRANT ROWLSON JONES
HEATHER H JONES
209 VERNON WHITE ROAD
WINTERVILLE NC 28590

COLLICE & ANN MOORE LLC
NALUKAI LLC
4300 SAPPHIRE CT, STE 116
GREENVILLE, NC 27834

POOL PRO OF GREENVILLE
LLC
1703 HIGHWAY 123 S
HOOKERTON, NC 28538

JAMES HUDSON
2875 LANING CIRCLE
GRIMESLAND, NC 27837

NEVEEN B MORALES
JAMES A MORALES
181 VERNON WHITE ROAD
WINTERVILLE NC 28590

GAYLE OVERMAN COBB
225 VERNON WHITE ROAD
WINTERVILLE NC 28590

CEDAR LANDING
PROPERTIES, LLC
3 REST HAVEN ROAD EXT
BATH, NC 27808

CHARLES VERNON WHITE
REBECCA BRIGHT WHITE
139 VERNON WHITE ROAD
WINTERVILLE, NC 28590

MAX GALVAN
MONIKA GALVAN
193 VERNON WHITE ROAD
WINTERVILLE NC 28590

REGIONAL ACCEPTANCE CORP
PO BOX 167
WINSTON SALEM, NC 27102

PITT COUNTY FARM BUREAU
INC
3200 CHARLES BV
GREENVILLE NC 27858



**Town of Winterville Planning Department
Zoning Staff Report**

GENERAL INFORMATION

APPLICANT	Aquatic Holdings LLC
HEARING TYPE	Rezoning Request
REQUEST	OI to GB
CONDITIONS	N/A
LOCATION	214 Beacon Drive
PARCEL ID NUMBER(S)	82774
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on July 6, 2021. Notification was posted on site on July 6, 2021. 13 properties were mailed notification.
TRACT SIZE	1.3090 acres
TOPOGRAPHY	Flat
VEGETATION	Vacant/Partially Wooded

SITE DATA

EXISTING USE	Vacant
---------------------	--------

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	GB	Commercial
E	O&I	Commercial
W	O&I	Commercial
S	AR	Residential

ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	O&I	GB
MAX DENSITY	n/a	n/a
TYPICAL USES	For residences, business/professional offices, and institutional areas	Accommodate businesses that serve the traveling public, with large amount of land for display and parking



SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	N/A
FLOODPLAIN	N/A
STREAMS	N/A
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	N/A

**These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

LANDSCAPING & BUFFER REQUIREMENTS

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

TRANSPORTATION

STREET CLASSIFICATION	Beacon Drive – Town of Winterville Road
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville standards.
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	N/A
TRIP GENERATION	N/A
SIDEWALKS	N/A
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	N/A
OTHER	N/A



IMPACT ANALYSIS

Land Use Compatibility

The proposed GB (General Business) zoning district would allow land uses that are compatible with the general character of the area.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as a Neighborhood Center character area. The requested **GB - General Business** zoning district is generally consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Neighborhood Center - General Character:

- Context-appropriate commercial, retail, services, professional offices, and occasionally residential located at key locations and crossroads that serve the general neighborhood around them. Small-lot residential or patio homes and/or attached residential could be part of the land use mix.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is encouraged to discuss this proposed rezoning with owners of surrounding properties.

Staff Analysis

The 1.3090 acre property is vacant with a partially wooded area at the southernmost part of the parcel. The property North of the request is zoned GB (Pool Pro/ Pitt County Farm Bureau). West of the request is zoned GB (Aquaventure). South of the request is zoned AR (single family residential). East of the request is zoned O&I (Regional Acceptance/NC Department of Revenue).

The GB – General Business rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is generally compatible with the existing development and trends in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 1.3090 acres from O&I to GB – General Business.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Alfred Martin McLawhorn, William Farkas – Rezoning Request (Parcels 39149 and 16203).

Action Requested: Schedule Public Hearing on the Rezoning Request for September 13, 2021.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification of Rezoning, Address Labels to Adjacent Property Owners, and Staff Report.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Applicant: Carl Parker.

Location: Mill Street north of its intersection with Laurie Ellis Road.

Parcel Numbers: 39149 and 16203.

Site Data: 11.6153 acres.

Current Zoning District: R-8.

Proposed Zoning District: MR.

- ❖ Proposed Zoning District: Multi-Family Residential (MFR).
- ❖ Adjacent property owners were mailed notification of the rezoning request on July 2, 2021.
- ❖ Notification was posted on the site on June 29, 2021.
- ❖ Planning and Zoning Board unanimously recommended approval on July 19, 2021.

Budgetary Impact: TBD.

Recommendation: Schedule Public Hearing on the Rezoning Request for September 13, 2021.



**REZONING APPLICATION
TOWN OF WINTERVILLE**

2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: CARL PARKER

Address: 1645 E. ARLINGTON BLVD. STE. "D"
GREENVILLE, NC 27858

Phone #: (252) 355- 3055

Owner: ALFRED MARTIN McLAWHORN, WILLIAM O. FARKAS, TRUSTEE

Address: 89 OPRY LANE
ARCHER LODGE, NC 27527

Phone #: _____

PROPERTY INFORMATION

Parcel #: 39149 & 16203

Area (square feet or acres): 11.6153 ACRES TOTAL

Current Land Use: AGRICULTURE AND RESIDENTIAL

Location of Property: 2752 MILL ST
WINTERVILLE, NC 28590

ZONING REQUEST

Existing Zoning: R-8

Requested Zoning: MR

Reason for zoning change: IN ORDER TO ALLOW FUTURE MULTI-FAMILY RESIDENTIAL
DEVELOPMENT IN ACCORDANCE WITH THE CURRENT COMPREHENSIVE LAND USE PLAN.

This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax

OWNER/AGENT STATEMENT

I, CARL PARKER, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 21.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

[Signature] _____ Date 6/24/21 _____
Signature Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

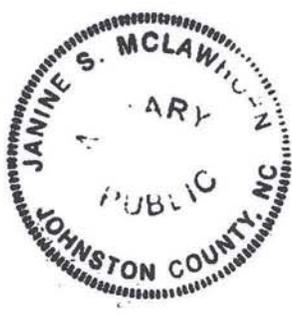
I, Alfred Martin McLawhorn, being the Owner of the property described herein, do hereby authorize CARL PARKER as agent for the purpose of this application.

[Signature] _____ Date 06/22/2021 _____
Signature Date

Sworn to and subscribed before me, this 22 day of June, 2021.

[Signature]
Notary Public

My Commission Expires:
8/9/2022



OWNER/AGENT STATEMENT

I, CARL PARKER, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 7 / 19 / 21.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance may result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

Signature *Carl Parker* Date 6/24/21

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, _____, being the Owner of the property described herein, do hereby authorize CARL PARKER as agent for the purpose of this application.

Signature *William O. Farkas* Date 6/23/21

Sworn to and subscribed before me, this 23rd day of JUNE, 2021.

Dev N Bhandari
Notary Public

My Commission Expires:
02.09.25



Staff Use Only

Appl. #: _____ Fee Amount _____ Date Paid _____

Planning Board Recommendation: APPROVED Meeting Date: _____
DENIED

Conditions/Comments: _____

Board of Aldermen Decision: APPROVED Meeting Date: _____
DENIED

Conditions/Comments: _____

Legal Description For
Alfred Martin McLawhorn

Lying and being situate in Winterville, Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Tract 1

To be rezoned from R-8 to MR

Beginning at a point in the western right of way of NCSR 1149 – Mill Street said point being the northeast corner of the Wilkerson Associates property as recorded in deed book 2755, page 624 of the Pitt County Registry, thence from said point of beginning with the northern line of the Wilkerson Associates property and the northern line of the Wintergreen Commons, LLC property as recorded in deed book 3718, page 17 **N 67-42-51 W – 1063.62'** to the eastern right of way of NC Hwy 11, thence with the eastern right of way of NC Hwy 11 **91.23' along the arc of a curve said curve being to the left having a radius of 2964.79' and a chord bearing N 12-30-56 E – 91.22'**, thence **N 11-10-34 E – 50.00'**, thence **N 10-21-40 E – 50.00'**, thence **N 09-42-18 E – 50.00'**, thence **N 09-11-42 E – 50.00'**, thence **N 08-52-04 E – 43.67'** to the southern line of the R.E. Davenport, Jr. Family Limited Partnership property as recorded in deed book 775, page 168, thence with the southern line of the R.E. Davenport, Jr. Family Limited Partnership property **S 85-45-29 E – 632.91'**, thence leaving the southern line of the R.E. Davenport, Jr. Family Limited Partnership property **S 56-33-49 W – 158.67'**, thence **S 11-06-09 W – 291.77'**, thence **S 67-42-51 E – 562.13'** to the western right of way of NCSR 1149 – Mill Street, thence with the western right of way of NCSR 1149 – Mill Street **S 22-08-12 W – 106.56'** to the point of beginning containing **6.3702 acres**.

Tract 2

To be rezoned from R-8 to MR

Beginning at a point in the western right of way of NCSR 1149 – Mill Street said point being the northeast corner of the Luther E. Carraway, Jr. & Teresa A. Brozowski property as recorded in deed book 3371, page 58 of the Pitt County Registry, thence from said point of beginning with the northern line of Luther E. Carraway, Jr. & Teresa A. Brozowski property **N 67-42-35 W – 277.35'**, thence with the western line of Luther E. Carraway, Jr. & Teresa A. Brozowski property **S 22-17-09 W – 220.00'**, thence **N 67-42-51 W – 284.46'**, thence **N 11-06-09 E – 291.77'**, thence **N 56-33-49 E – 158.67'** to the southern line of the R.E. Davenport, Jr. Family Limited Partnership property as recorded in deed book 775, page 168, thence with the southern line of the R.E. Davenport, Jr. Family Limited Partnership property **S 87-47-38 E – 297.12'** to the southwest corner of the ASA Winterville, LLC property as recorded in deed book 2712, page 426 (Lot 1 Winterville Square Apartments as record in map book 32, page 28), thence with the southern line of the ASA Winterville, LLC property **S 85-59-37 E – 226.17'** to the western right of way of NCSR 1149 – Mill Street, thence with the western right of way of NCSR 1149 – Mill Street **S 13-27-50 W – 185.39'**, thence **S 20-12-35 W – 187.24'** to the point of beginning containing **5.2451 acres**.



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

**Planning and Zoning
Rezoning Request**

NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on Monday, July 19, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

Carl Parker has submitted an application to rezone parcels 39149 & 16203 (11.6153 Acres), on behalf of Alfred Martin McLawhorn & Williams O. Farkas, Trustee, as shown on the attached map from R-8 Residential District to Multifamily Residential District (MR).

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358 or at wintervillenc.com.

The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. These measures include limiting physical attendance at the meeting, employing social distancing, and implementing remote participation. The meeting is open to the public; however, limited attendance will be allowed to attend in-person due to COVID-19 provisions and the meeting will be available electronically. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Planning and Zoning Board during the meeting should contact the Town Clerk at (252) 215-2344 to register by **one business day before the meeting at 5:00 p.m. The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

Sophia Yarborough
3102 Eton Rd
Raleigh NC 27608

Ryan McLawhorn
Dan McLawhorn
5093 Reedy Branch Rd
Winterville NC 28590

Thomas McLawhorn
904 Havel Court
Charlotte NC 28211

Wilkerson Associates
PO BOX 2245
Greenville NC 27834

Wintergreen Commons, LLC
PO BOX 403
Greenville NC 27836

R.E. Davenport, Jr. Family
Limited Partnership
PO BOX 66
Farmville NC 27828

ASA Winterville LLC
2500 Nash Street Suite A
Wilson NC 27896

Luther Edward Carraway, Jr.
& Teresa Adams Brozowski
2772 Mill Street
Winterville NC 28590



**Town of Winterville Planning Department
Zoning Staff Report**

GENERAL INFORMATION

APPLICANT	Carl Parker
HEARING TYPE	Rezoning Request
REQUEST	R-8 to MR
CONDITIONS	N/A
LOCATION	2752 Mill Street
PARCEL ID NUMBER(S)	39149 / 16203
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on July 2, 2021. Notification was posted on site on June 29, 2021. 8 properties were mailed notification.
TRACT SIZE	11.6153 acres
TOPOGRAPHY	Flat
VEGETATION	Cleared

SITE DATA

EXISTING USE	Partially Vacant/ Small detached structures on eastern side of property
---------------------	-------------------------------------------------------------------------

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	MR	Farmland
E	R-8	Residential
W	AR	Farmland
S	I	Farmland

ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	R-8	MR
MAX DENSITY	n/a	n/a
TYPICAL USES	Medium-density neighborhood with single-family homes	Relatively high-density neighborhood



SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	N/A
FLOODPLAIN	N/A
STREAMS	N/A
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	Special Use Permit and Site Plan are required to develop on this parcel.

**These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

LANDSCAPING & BUFFER REQUIREMENTS

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

TRANSPORTATION

STREET CLASSIFICATION	Mill Street – NCDOT Road
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	Mill Street – 7,400
TRIP GENERATION	N/A
SIDEWALKS	N/A
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	N/A
OTHER	N/A



IMPACT ANALYSIS

Land Use Compatibility

The proposed MR (Multi-Family Residential) zoning district would allow land uses that are compatible with the general character of the area.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as an Urban Neighborhood character area. The requested **MR – Multifamily Residential** zoning district is generally consistent with this character area as defined by the future land use designation (“context-sensitive patio homes and **attached residential** permitted if design criteria are met”).

Comprehensive Land Use Plans - Recommendations & Implementation

Urban Neighborhood - General Character:

- Primarily medium-sized lots with single family detached residential and occasionally smaller-scale, context-sensitive patio homes and attached residential permitted if design criteria are met. Generally, 3-8 dwellings per acre. Some small-scale services, restaurants, or offices encouraged at select locations with good access.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is encouraged to discuss this proposed rezoning with owners of surrounding properties.

Staff Analysis

The 11.6153 acre property is partial vacant with two small structures on the eastern side of property. The property North of the request is zoned MR (vacant farmland). West of the request is zoned AR (vacant farmland). South of the request is zoned Industrial (vacant farmland). East of the request is zoned R-8 and is a single-family dwelling (Luther Carraway).

The MR – Multifamily Residential rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is generally compatible with the existing development and trends in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 11.6153 acres from R-8 to MR – Multifamily Residential.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Pitt County Farms, LLC – Rezoning Request (Parcel 60147).

Action Requested: Schedule Public Hearing on the Rezoning Request for September 13, 2021.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification of Rezoning, Address Labels to Adjacent Property Owners, and Staff Report.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Applicant: Pitt County Farms, LLC.

Location: Northeast corner of intersection of NC Hwy 11 S and Reedy Branch Road.

Parcel Numbers: 60147.

Site Data: 9.8706 acres.

Current Zoning District: AR.

Proposed Zoning District: I.

- ❖ Proposed Zoning District: Industrial (I).
- ❖ Adjacent property owners were mailed notification of the rezoning request on July 2, 2021.
- ❖ Notification was posted on the site on June 29, 2021.
- ❖ Planning and Zoning Board unanimously recommended approval on July 19, 2021.

Budgetary Impact: TBD.

Recommendation: Schedule Public Hearing on the Rezoning Request for September 13, 2021.



**REZONING APPLICATION
TOWN OF WINTERVILLE**

2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Pitt County Farms, LLC

Address: 4761 NC Hwy 33 E., Suite A
PO Box 30189, Greenville, NC 27833

Phone #: (252) 757-1627

Owner: Pitt County Farms, LLC

Address: PO Box 30189, Greenville, NC 27833

Phone #: (252) 757-1627

PROPERTY INFORMATION

Parcel #: 60147 Area (square feet or acres): 9.8706

Current Land Use: Farm land

Location of Property: Northeast corner of intersection of NC Hwy. 11 and Reedy Branch Road

ZONING REQUEST

Existing Zoning: AR Requested Zoning: I

Reason for zoning change: Owner has an offer to purchase which is contingent upon obtaining rezoning
which would allow uses allowed within the industrial zoning classification. Anticipated uses would be
ministorage units and/or flex type spaces etc. which are presently constructed to the south of this property.

This application shall be accompanied by the following items:

- A map drawn to a scale of not less than 400 feet to the inch and not more than 20 feet to the inch showing the land covered by the proposed amendment;
- A legal description of the property;
- A list of the names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records;
- A filing fee according to a regularly adopted Fee Schedule of the Town.

OWNER/AGENT STATEMENT

I, Maxine Speight, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for 07 / 19 / 21.

I understand that failure to address any item in the zoning amendment application requirements of the zoning ordinance my result in the rezoning request not meeting the minimum submission requirements and will be returned to me for revision and resubmission at the next regular review cycle.

Maxine A. Speight
Signature

June 23, 2021
Date

NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.

I, _____, being the Owner of the property described herein, do hereby authorize _____ as agent for the purpose of this application.

Signature

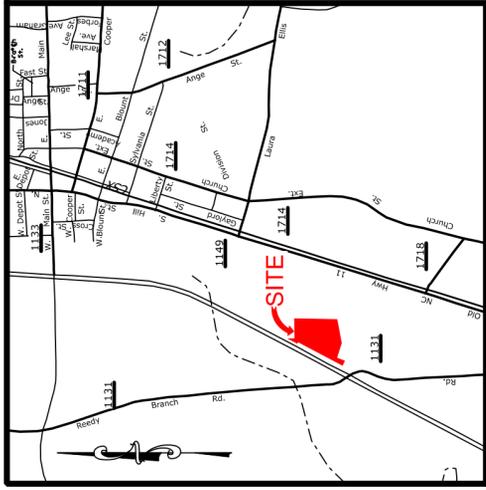
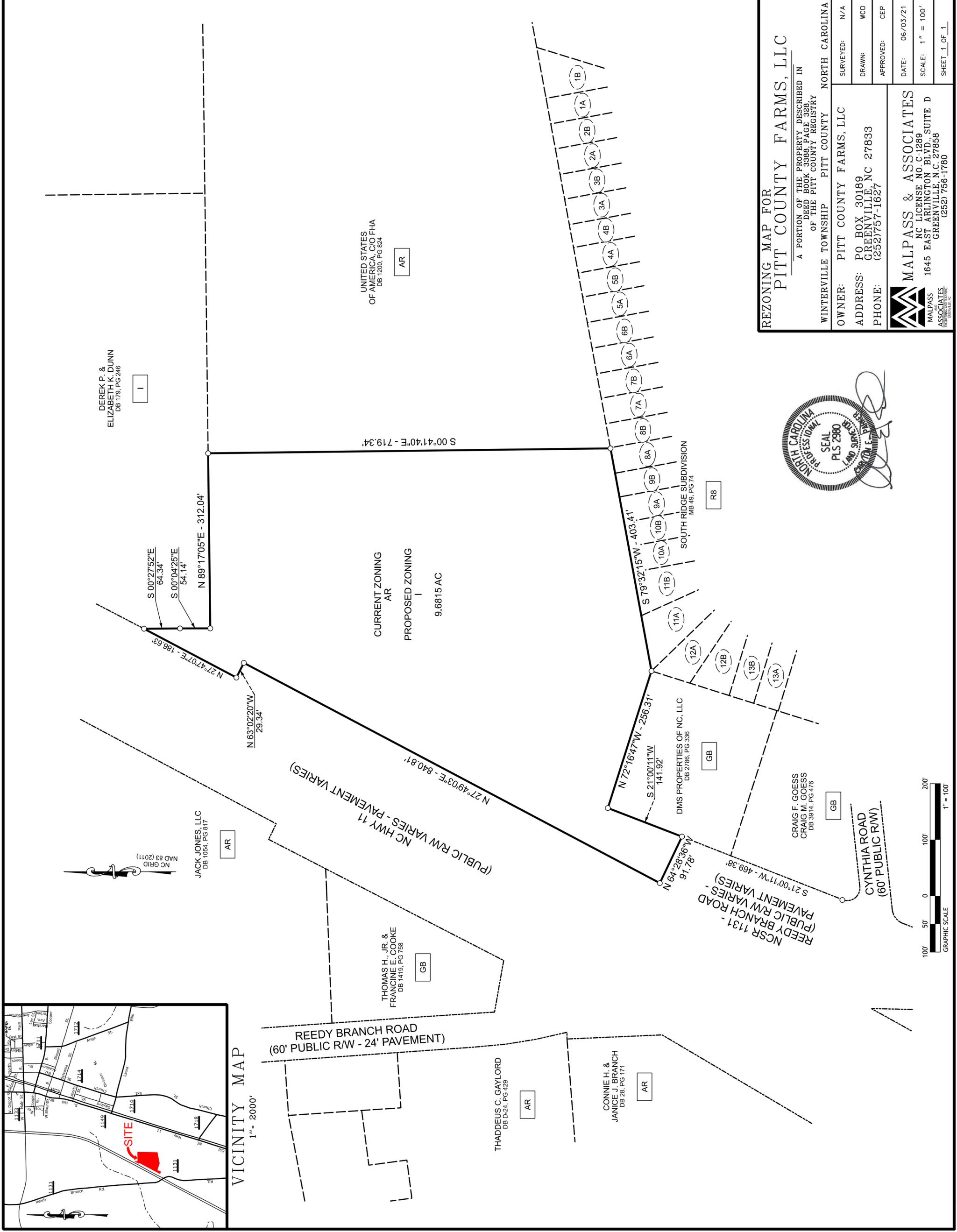
Date

Sworn to and subscribed before me, this 23rd day of June, 2021.

Debbie W. Barber
Notary Public

My Commission Expires:
5-14-2023





DEREK P. &
ELIZABETH K. DUNN
DB 179, PG 246

AR

UNITED STATES
OF AMERICA, C/O FHA
DB 1200, PG 824

AR

CURRENT ZONING
AR
PROPOSED ZONING
R8
9.6815 AC

NC GRID
NAD 83 (2011)

JACK JONES, LLC
DB 1054, PG 817

AR

NC HWY 11
(PUBLIC R/W VARIES - PAVEMENT VARIES)

THOMAS H., JR. &
FRANCINE E. COOKE
DB 1419, PG 758

GB

THADDEUS C. GAYLORD
DB D-24, PG 429

AR

CONNIE H. &
JANICE J. BRANCH
DB 26, PG 171

AR

DMS PROPERTIES OF NC, LLC
DB 2786, PG 336

GB

CRAIG F. GOESS
CRAIG M. GOESS
DB 3914, PG 476

GB

NCSR 1131 -
REEDY BRANCH ROAD -
(PUBLIC R/W VARIES -
PAVEMENT VARIES)

CYNTHIA ROAD
(60' PUBLIC R/W)

SOUTH RIDGE SUBDIVISION
MB 49, PG 74

R8



**REZONING MAP FOR
PITT COUNTY FARMS, LLC**

A PORTION OF THE PROPERTY DESCRIBED IN
DEED BOOK 3388, PAGE 328,
OF THE PITT COUNTY REGISTRY

WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: PITT COUNTY FARMS, LLC
ADDRESS: PO BOX 30189
GREENVILLE, NC 27833
PHONE: (252)757-1627

SURVEYED: N/A
DRAWN: WCO
APPROVED: CEP
DATE: 06/03/21
SCALE: 1" = 100'
SHEET 1 OF 1

MALPASS & ASSOCIATES
NC LICENSE NO. C-1289
1645 EAST ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27658
(252) 756-1780



Legal Description For
Pitt County Farms, LLC

Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the eastern right of way of NC Hwy 11 said point being located N 21-00-11 E – 469.38' from the intersection of the eastern right of way of NC Hwy 11 and the northern right of way of Cynthia Road, thence from said point of beginning with the eastern right of way of NC Hwy 11 **N 64-28-36 W – 91.78'**, thence **N 27-49-03 E – 840.81'**, thence **N 63-02-20 W – 29.34'**, thence **N 27-47-07 E – 186.63'** to the southern line of the Derek P. Dunn and Elizabeth K. Dunn property as recorded in deed book 179, page 246 of the Pitt County Registry, thence with the southern line of the Derek P. Dunn and Elizabeth K. Dunn property **S 00-27-52 E – 64.34'**, thence **S 00-04-25 E – 54.14'**, thence **N 89-17-05 E – 312.04'**, thence leaving the southern line of the Derek P. Dunn and Elizabeth K. Dunn property **S 00-41-40 E – 719.34'** to the northern line of South Ridge Subdivision as recorded in map book 49, page 74, thence with the northern line of South Ridge Subdivision **S 79-32-15 W – 403.41'** to the northeast corner of the DMS Properties Of NC, LLC property as recorded in deed book 2786, page 336, thence with the northern line of the DMS Properties Of NC, LLC property **N 72-16-47 W – 256.31'**, thence with the western line of the DMS Properties Of NC, LLC property **S 21-00-11 W – 141.92'** to the point of beginning containing **9.6815 acres**.



WINTERVILLE

A slice of the good life!

2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

Planning and Zoning Rezoning Request

NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on Monday, July 19, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

Pitt County Farms, LLC has submitted a rezoning application to rezone Parcel 60147 (9.6815 Acres) as shown on the attached map from Agricultural- Residential (AR) to Industrial (I). The Industrial District (I) is to provide and protect areas suited for industrial, warehousing, and storage uses which do not create an excessive amount of noise, smoke, dust, odor, or other objectionable characteristics which might be detrimental to the surrounding area.

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 215-2358 or at wintervillenc.com.

The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. These measures include limiting physical attendance at the meeting, employing social distancing, and implementing remote participation. The meeting is open to the public; however, limited attendance will be allowed to attend in-person due to COVID-19 provisions and the meeting will be available electronically. The public is encouraged to watch the meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Planning and Zoning Board during the meeting should contact the Town Clerk at (252) 215-2344 to register by **one business day before the meeting at 5:00 p.m. The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to don.harvey@wintervillenc.com. Please include your name and address.

Pitt County Farms LLC Rezoning

Pitt County Farms, LLC
PO BOX 30189
Greenville, NC 27833

Derek & Elizabeth Dunn
PO BOX 1639
Winterville NC 28590

Pitt County Farms LLC
PO BOX 30189
Greenville NC 27833

DSM Properties of NC LLC
5351 REEDY BRANCH RD
WINTERVILLE NC 28590

Craig F. & Craig M. Goess
3615 S MEMORIAL DR
GREENVILLE, NC 27834

Wendy Gladson
137 A EMILY DR
WINTERVILLE NC 28590

Akeya Andrews
137 EMILY DR UNIT B
WINTERVILLE NC 28590

Milton & Helen Parker
143 A EMILY DR
WINTERVILLE NC 28590

KENNETH HICKS
15 BELLEGROVE ROAD
BLACK MOUNTAIN NC 28711

Justice & Jaquan Lloyd
157 A EMILY DR
WINTERVILLE NC 28590

Milton & Helen Parker
143 B EMILY DR
WINTERVILLE NC 28590

Christopher Carlis
157 EMILY DR UNIT B
WINTERVILLE NC 28590

Herbert & Mildred Carson
167 A EMILY DR
WINTERVILLE NC 28590

RUBEUS PROPERTIES LLC
6059 GUM SWAMP RD
AYDEN NC 28513

Hood Investments LLC
700 RUPERT DRIVE
GREENVILLE NC 27858

Justin Lejeune
173 B EMILY DR
WINTERVILLE NC 28590

Natasha Soddy
2022 JAKE LN
GREENVILLE NC 27858

Wesley & Betty Chamberlain
179 B EMILY DRIVE
WINTERVILLE NC 28590

UNITED STATES OF AMERICA
CO FHA
P. O. BOX 897
GREENVILLE NC 27834

Thomas & Francine Cooke
202 ANDREW LN
WINTERVILLE NC 28590

Jack Jones LLC
128 JERUSALEM RD
SEVEN SPRINGS NC 28578

Thaddeus C Gaylord.
PO BOX 93
WINTERVILLE NC 28590

Thaddeus & Connie Gaylord
6409 Purple Mountain Court
Wilmington, NC 28411

Angeal Henries
133 A Emily Drive
Winterville, NC 28590

Cindy Proctor
133 B Emily Drive
Winterville, NC 28590



**Town of Winterville Planning Department
Zoning Staff Report**

GENERAL INFORMATION

APPLICANT	Pitt County Farms, LLC
HEARING TYPE	Rezoning Request
REQUEST	AR to I
CONDITIONS	N/A
LOCATION	Northeast corner of intersection of NC Hwy 11 and Reedy Branch
PARCEL ID NUMBER(S)	60147
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on July 2, 2021. Notification was posted on site on June 29, 2021. 24 properties were mailed notification.
TRACT SIZE	9.8706 acres
TOPOGRAPHY	Flat
VEGETATION	Cleared

SITE DATA

EXISTING USE	Farm Land
---------------------	-----------

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	I	Industrial
E	AR	Governmental
W	GB/AR	Commercial/Residential
S	GB/R8	Commercial/Residential

ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	AR (Agricultural-Residential)	I (Industrial)
MAX DENSITY	n/a	n/a
TYPICAL USES	Promotes compatible mixture of low-density residential and agricultural uses where urban development is expected to occur.	Suited for industrial, warehousing, and storage uses w/o excessive amounts of noise, smoke, dust, odor, or other objectionable characteristics.



SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	N/A
FLOODPLAIN	N/A
STREAMS	N/A
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	Site plan required for developing on this lot.

**These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

LANDSCAPING & BUFFER REQUIREMENTS

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

TRANSPORTATION

STREET CLASSIFICATION	NC Highway 11 – NCDOT Road
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	NC Highway 11 – 20,000
TRIP GENERATION	N/A
SIDEWALKS	N/A
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	N/A
OTHER	N/A



IMPACT ANALYSIS

Land Use Compatibility

The proposed I (Industrial) zoning district would allow land uses that are compatible with the general character of the area.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as an Office and Employment character area. The requested I (**Industrial**) zoning district is generally consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Office and Employment - General Character:

- Large office buildings, manufacturing, distributions, and light-to-medium industrial uses, storage and flex uses, along with associated offices and supporting commercial uses.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is encouraged to discuss this proposed rezoning with owners of surrounding properties.

Staff Analysis

The 9.8706 acre property is currently being used for farm land. The property North of the request is zoned I (Industrial) with a concrete manufacturing plant. West of the request is zoned GB and AR with vacant farmland, storage shed sales, and a residential house. South of the request is zoned GB/R8 with a fabric store (Prints and Plaids) and a duplex subdivision (South Ridge). East of the request is zoned AR and holds a US Governmental building.

The I (Industrial) rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is generally compatible with the existing development and trends in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 9.6815 acres from AR to I (Industrial).



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: March 9, 2020

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Winterville Interconnect Site – Annexation.

Action Requested: Direct Town Clerk to Investigate the Sufficiency of Annexation.

Attachment: Annexation Petition, Annexation Map, Legal Description, and Resolution 21-R-081.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Town of Winterville (property owner of Parcel 82612 – Interconnect Site) is applying for annexation into the Town limits.

Winterville Interconnect Site:

Location: Worthington Road east of its intersection with Old Tar Road.

Size: 0.8 Acres

Annexation Process:

- ❖ 1st Council Meeting: Direct Town Clerk to Investigate the Sufficiency of the Annexation (8/9/2021).
- ❖ 2nd Council Meeting: Schedule a Public Hearing for the Annexation (9/13/2021).
- ❖ 3rd Council Meeting: Hold Public Hearing on the Annexation (10/11/2021).

Budgetary Impact: TBD

Recommendation: Direct Town Clerk to Investigate Sufficiency.

PETITION REQUESTING ANNEXATION
(WORTHINGTON ROAD INTERCONNECT SITE)

Date: 7/28/2021

To the Mayor and Town Council of the Town of Winterville:

1. We the undersigned owners of real property respectfully requested that the area described in Paragraph 2 below be annexed to the Town of Winterville.

2. The area to be annexed is contiguous to the Town of Winterville and the boundaries of such territory are as follows:

Description

Lying and being in Winterville Township, Pitt County, North Carolina and more particularly described as follows:

Being all of that 0.802 acre tract as shown on map entitled "Final Plat of Minor Subdivision Prepared For: The Town of Winterville on the Lands of Fenner Leslie Allen III et als", made by The Wooten Company, recorded July 2, 2015 in Map Book 79, Page 29, Pitt County Registry, said map being incorporated herein by reference for a more detailed description.

Name Town of Winterville do Address 2571 Railroad Street
Terri L. Parker Winterville, NC 28540

Signature Terri L. Parker

Name _____ Address _____

Signature _____

Name _____ Address _____

Signature _____



MAG NAIL SET AT INTERSECTION OF WORTHINGTON & COREY ROADS
 N: 651,442.99
 E: 2,487,524.90

N 70°44'01" E 2,087.08' (GRID)
 COMBINED SCALE FACTOR: 1,000/8896
 LINE NOT TO SCALE

CONTROL CORNER
 5/8" REBAR
 N: 650,754.34
 E: 2,485,554.70

NOW OR FORMERLY
 JULIA WORTHINGTON KEVILLE AND
 HUSBAND GEORGE W. KEVILLE
 AS TENANTS BY THE ENTIRETY
 DEED BOOK 8 PAGE 352-117
 MAP BOOK 79 PG. 29
 GIS/DEEDED ACREAGE: 2.65
 1030 WORTHINGTON RD.

N 57°43'47" W 38.76'
 TIE LINE TO MAG NAIL SET
 CENTERLINE INTERSECTION
 OF ROAD AND CANAL

N 18°22'04" E 125.00'

N 57°46'30" W 180.71'

N 71°30'14" E 331.71'

N 11°30'14" E 331.71'

N 79°34'29" E 331.71'

NOW OR FORMERLY
 FENNER L. ALLEN III ETALS
 DEED BOOK & PAGE H41-665
 PARCEL ID# 00261
 GIS/DEEDED ACREAGE: 109.26
 1124 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

NOW OR FORMERLY
 BILL CLARK HOMES OF GREENVILLE, LLC
 DEED BOOK & PAGE 3778-845
 MAP BOOK & PAGE 86-155
 PARCEL ID# 25777
 GIS/DEEDED ACREAGE: 7.47
 0 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

NOW OR FORMERLY
 TOWN OF WINTERVILLE
 DEED BOOK & PAGE 3343-79
 MAP BOOK & PAGE 79-29
 PARCEL ID# 82612
 GIS/DEEDED ACREAGE: 0.802
 978 WORTHINGTON RD.

FEMA AE ZONE

NON-BUILDABLE FOR SEPTIC USE

SOUTHWEST DRAINAGE
 CONTROL STRUCTURE
 M.B. 79 PG. 29

EXISTING CITY LIMIT LINE
 PER M.B. 86 PG. 161
 ORDINANCE NO. 21-0-031

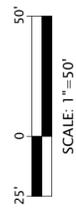
EXISTING CITY LIMIT LINE
 PER M.B. 86 PG. 161
 ORDINANCE NO. 21-0-031

THIS MAP WAS PREPARED FROM RECORDED
 INFORMATION AND NOT FROM AN ACTUAL SURVEY.

PRELIMINARY
 NOT FOR RECORDATION,
 CONVEYANCE, OR SALES

LEGEND

●	COMPUTED POINT UNLESS OTHERWISE NOTED
D.B.	DEED BOOK
B.M.	BOOK OF MAPS
PG.	PAGE
SF	SQUARE FEET
R/W	RIGHT OF WAY
---	EASEMENT LINE (TYPE AS NOTED)
---	R/W LINE



MAP SHOWING AREA ANNEXED BY
TOWN OF WINTERVILLE, N.C.
 ORDINANCE NO. _____ AREA: 0.802 ACRES
 ACCEPTED FOR THE TOWN OF WINTERVILLE

 MAYOR

 DATE

DATE:	07/23/2021
PROJECT No.:	2853-AP
DOCUMENT No.:	2853AP-C002
SHEET No.:	1 OF 1

FIELD SURVEY BY:	TWC
FIELD SURVEY DATE:	N/A
DRAWN BY:	SEH
CHECKED BY:	SEH

ANNEXATION MAP FOR "NEW LOT" - M.B. 79 PG.29	0.802 ACRES
ACROSS THE PROPERTY OF: TOWN OF WINTERVILLE Deed Book: 3343 Page: 79 Map Book: 79 Page: 29	
WINTERVILLE TOWNSHIP	PITT COUNTY
NORTH CAROLINA	

300 S. Main Street • Winston-Salem, NC 27101
 (803) 722-5326 • thewootencompany.com
 License Number: F-0115

**LEGAL DESCRIPTION FOR
WINTERVILLE INTERCONNECT SITE
ANNEXATION**

Lying and being in Winterville Township, Pitt County, North Carolina and more particularly described as follows:

Being all of that 0.802 acre tract as shown on map entitled "Final Plat of Minor Subdivision Prepared For: The Town of Winterville on the Lands of Fenner Leslie Allen III et als", made by The Wooten Company, recorded July 2, 2015 in Map Book 79, Page 29, Pitt County Registry, said map being incorporated herein by reference for a more detailed description.

**RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER NCGS 160A-31**

**WINTERVILLE INTERCONNECT SITE
PARCEL 82612**

WHEREAS, a petition requesting annexation of an area described in said petition were received July 28, 2021 by the Town Council; and

WHEREAS, NCGS 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Winterville seems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winterville that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: March 9, 2020

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Old Tar Road Pump Station – Annexation.

Action Requested: Direct Town Clerk to Investigate the Sufficiency of Annexation.

Attachment: Annexation Petition, Annexation Map, Legal Description, and Resolution 21-R-082.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Town of Winterville (property owner of Parcel 83155 – Pump Station) is applying for annexation into the Town limits.

Old Tar Road Pump Station:

Location: Old Tar Road south of its intersection with Worthington Road.

Size: 0.15 Acres

Annexation Process:

- ❖ 1st Council Meeting: Direct Town Clerk to Investigate the Sufficiency of the Annexation (8/9/2021).
- ❖ 2nd Council Meeting: Schedule a Public Hearing for the Annexation (9/13/2021).
- ❖ 3rd Council Meeting: Hold Public Hearing on the Annexation (10/11/2021).

Budgetary Impact: TBD

Recommendation: Direct Town Clerk to Investigate Sufficiency.

PETITION REQUESTING ANNEXATION
(OLD TAR ROAD PUMP STATION)

Date: 7/28/2021

To the Mayor and Town Council of the Town of Winterville:

1. We the undersigned owners of real property respectfully requested that the area described in Paragraph 2 below be annexed to the Town of Winterville.

2. The area to be annexed is contiguous to the Town of Winterville and the boundaries of such territory are as follows:

Description

Lying and being in Winterville Township, Pitt County, North Carolina and more particularly described as follows:

Being all of that 0.147 acre (6,400 square feet) tract as shown on map entitled "Final Plat of Minor Subdivision Prepared For: The Town of Winterville on the Lands of Karl W. McLawhorn Jr and Karla M. Allen", made by The Wooten Company, said map being recorded in Book 80, Page 47 of the Pitt County Registry, and incorporated herein by reference for a more detailed description.

Name Town of Winterville do Address 2571 Railroad Street
Terni L. Parker Winterville, NC 28590

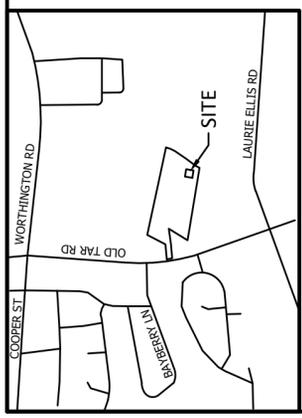
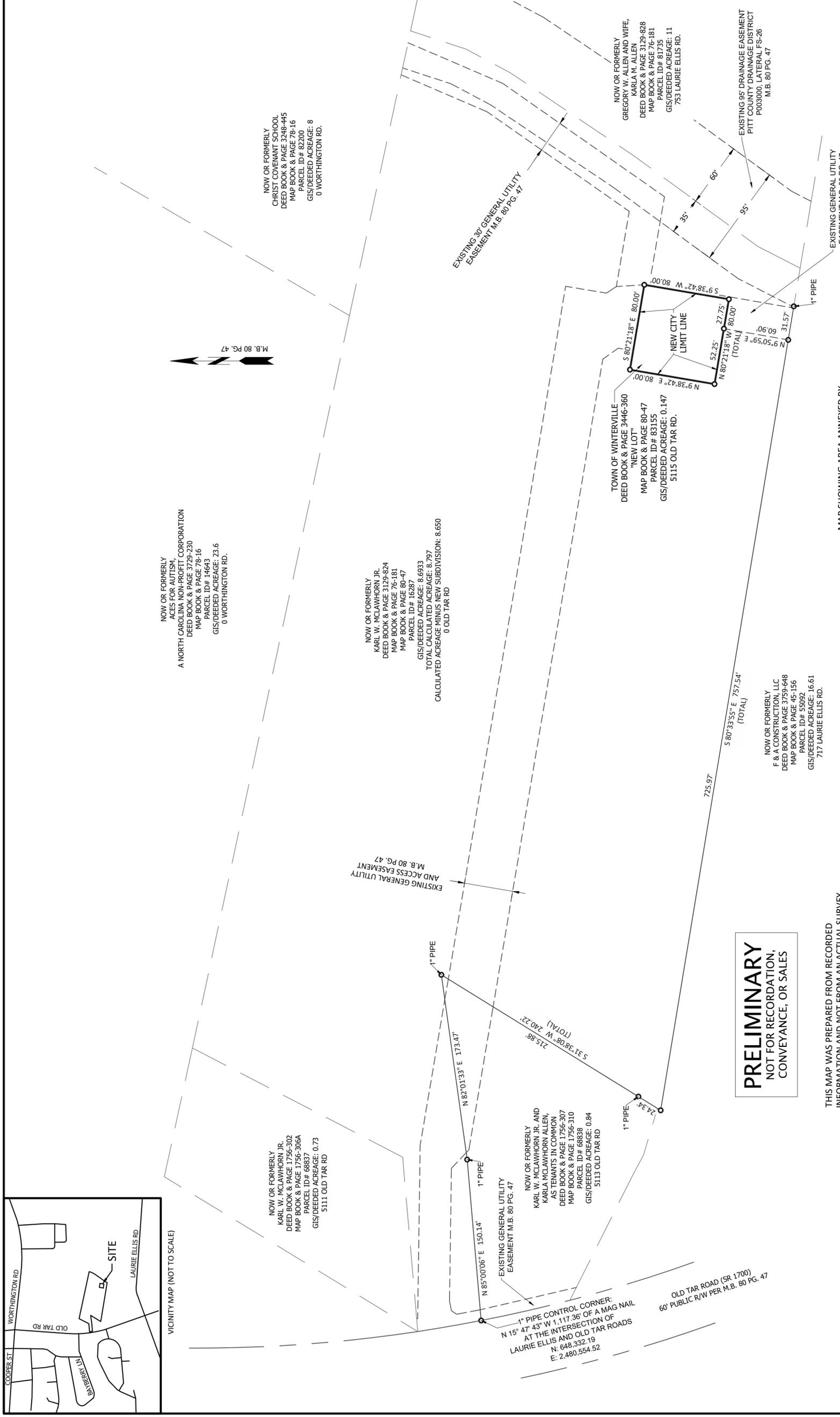
Signature Terni L Parker

Name _____ Address _____

Signature _____

Name _____ Address _____

Signature _____



VICINITY MAP (NOT TO SCALE)

NOW OR FORMERLY
ACES FOR AUTISM,
A NORTH CAROLINA NON-PROFIT CORPORATION
DEED BOOK & PAGE 3729-230
MAP BOOK & PAGE 78-16
PARCEL ID# 14643
GIS/DEEDED ACREAGE: 23.6
0 WORTHINGTON RD.

NOW OR FORMERLY
KARL W. MCLAWHORN JR.
DEED BOOK & PAGE 1756-302
MAP BOOK & PAGE 1756-306A
PARCEL ID# 68837
GIS/DEEDED ACREAGE: 0.73
5111 OLD TAR RD

NOW OR FORMERLY
KARL W. MCLAWHORN JR.
DEED BOOK & PAGE 3129-824
MAP BOOK & PAGE 76-181
MAP BOOK & PAGE 80-47
PARCEL ID# 16287
GIS/DEEDED ACREAGE: 9.6833
TOTAL CALCULATED ACREAGE: 8.797
CALCULATED ACREAGE MINUS NEW SUBDIVISION: 8.650
0 OLD TAR RD

NOW OR FORMERLY
CHRIST COVENANT SCHOOL
DEED BOOK & PAGE 3248-445
MAP BOOK & PAGE 78-16
PARCEL ID# 82200
GIS/DEEDED ACREAGE: 8
0 WORTHINGTON RD.

TOWN OF WINTERVILLE
DEED BOOK & PAGE 3446-360
"NEW LOT"
MAP BOOK & PAGE 80-47
PARCEL ID# 83155
GIS/DEEDED ACREAGE: 0.147
5115 OLD TAR RD.

NOW OR FORMERLY
GREGORY W. ALLEN AND WIFE,
KARLA M. ALLEN
DEED BOOK & PAGE 3129-828
MAP BOOK & PAGE 76-181
PARCEL ID# 81735
GIS/DEEDED ACREAGE: 1.1
753 LAURIE ELLIS RD.

PRELIMINARY
NOT FOR RECORDATION,
CONVEYANCE, OR SALES

THIS MAP WAS PREPARED FROM RECORDED
INFORMATION AND NOT FROM AN ACTUAL SURVEY.

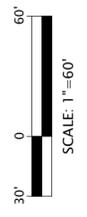
MAP SHOWING AREA ANNEXED BY
TOWN OF WINTERVILLE, N.C.
ORDINANCE NO: _____
ACCEPTED FOR THE TOWN OF WINTERVILLE
AREA: 0.147 ACRES

MAYOR

DATE

LEGEND

- COMPUTED POINT UNLESS OTHERWISE NOTED
- D.B. DEED BOOK
- B.M. BOOK OF MAPS
- PG. PAGE
- SF. SQUARE FEET
- R/W. RIGHT OF WAY
- EASEMENT LINE (TYPE AS NOTED)
- R/W LINE



300 S. Main Street • Winston-Salem, NC 27101
(803) 722-5326 • thewootencompany.com
License Number: F-0115

FIELD SURVEY BY:	TWC	ANNEXATION MAP FOR "NEW LOT" - M.B. 80 PG. 47	DATE:	07/23/2021
FIELD SURVEY DATE:	N/A	0.147 ACRES	PROJECT No.:	2853-AP
DRAWN BY:	SEH	ACROSS THE PROPERTY OF: TOWN OF WINTERVILLE Deed Book: 3446 Page: 360 Map Book: 80 Page: 47	DOCUMENT No.:	2853AP-C001
CHECKED BY:	SEH	WINTERVILLE TOWNSHIP	SHEET No.:	1 OF 1
		PITT COUNTY		
		NORTH CAROLINA		

**LEGAL DESCRIPTION
OLD TAR ROAD PUMP STATION**

Lying and being in Winterville Township, Pitt County, North Carolina and more particularly described as follows:

Being all of that 0.147 acre (6,400 square feet) tract as shown on map entitled "Final Plat of Minor Subdivision Prepared For: The Town of Winterville on the Lands of Karl W. McLawhorn Jr and Karla M. Allen", made by The Wooten Company, said map being recorded in Book 80, Page 47 of the Pitt County Registry, and incorporated herein by reference for a more detailed description.

**RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER NCGS 160A-31**

**OLD TAR ROAD PUMP STATION
PARCEL 83155**

WHEREAS, a petition requesting annexation of an area described in said petition were received July 28, 2021 by the Town Council; and

WHEREAS, NCGS 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Winterville seems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Winterville that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Robert Sutton, Electric Director

Item to be Considered

Subject: Fire Department Truck Bays Fire Sprinkler Project.

Action Requested: Award of Construction Contract to Berry Building Group.

Attachment: Bid Tabulation.

Prepared By: Robert Sutton, Electric Director

Date: 7/27/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Winterville Fire Department Truck Bay Fire Sprinkler Construction Project was initially advertised June 16, 2021 with APG Media of Eastern North Carolina. Corresponding specification review periods and walk-thru dates for interested parties were established and a bid opening was set for June 29, 2021 at 4:00 pm. Only two bids were received by the Town at the specified date and time of the bid opening. Hence, a second round of advertisement(s) took place on July 1, 2021.

The second advertisement, was again, accompanied by a corresponding specification review period and facilities walk-thru opportunities for interested parties. A second bid opening date and time of July 14, 2021 at 4:00 pm was established and saw two bids received. Receipt of two bids after the second round of advertisements met the associated bidding requirements and the bids were opened. The lowest responsible bidder was determined to be Berry Building Group with a bid of \$101,435.

Budgetary Impact: Sufficient funding (\$110,000) was appropriated in the FY '21 budget for the project. The Budget Amendment brought before Council tonight includes funding for the project.

Recommendation: Award of contract for \$101,435 to Berry Construction for the construction of the Winterville Fire Department Truck Bay Fire Sprinkler System.

July 14, 2021

Owner: Town of Winterville
2571 Railroad St.
PO Box 1459
Winterville, NC 28590

Project: Police Fire & Rescue Building
Truck Bay Fire Protection Improvements
2593 Railroad St.
Winterville, NC 28590

Engineer: McLawhorn Engineering
One Commerce Sq. Suite 204
Washington NC, 27889
(919) 608-3738

Bid Date: July 13, 2021 4:00 PM

CONTRACTOR	BID
BERRY BUILDING GROUP	\$101,435
CA LEWIS	\$152,900



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Anthony Bowers, Finance Director

Item to be Considered

Subject: Budget Amendment 2021-2022-1.

Action Requested: Approve the Budget Amendment.

Attachment: Budget Amendment 2021-2022-1.

Prepared By: Anthony Bowers, Finance Director

Date: 7/30/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

This is the first budget amendment for the 2021-2022 Fiscal Year.

This amendment addresses the annual roll of open Purchase Orders from the prior year. Our process carries over only necessary open PO's into the next fiscal year. Once we have adopted the annual budget, we then bring forward the items that were started in the prior year.

The total across all funds is \$1,242,873.

- General: \$885,590.47
- Recreation: \$814.16
- Electric: \$338,407.76
- Water: \$1,527
- Storm Water: \$16,534

Budgetary Impact: The total budget amendment is \$1,242,873.

Recommendation: Approve the Budget Amendment.

BUDGET ORDINANCE AMENDMENT 2021-2022-1

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

SECTION 1. Revenues are to be changed as follows:

LINE ITEM DESCRIPTION			Fund		Increase	Decrease
Fund Balance Contribution		10	3831	General Fund	885,590	
Fund Balance Contribution		15	3831	Recreation Fund	814	
Fund Balance Contribution		60	3831	Electric Fund	338,408	
Fund Balance Contribution		61	3831	Water Fund	1,527	
Fund Balance Contribution		63	3831	Storm Water Fund	16,534	
Total					\$ 1,242,873	\$ -

SECTION 2. Appropriations are to be changed as follows:

LINE ITEM DESCRIPTION		Department	Fund		Increase	Decrease
Contract Service	10-4120-01-4233	Finance	General Fund		4,500	
Capital Outlay	10-4120-01-7150	Finance	General Fund		300,700	
Supplies and Materials	10-4120-02-4230	Inspections/Gis	General Fund		1,016	
Contract Service	10-4120-02-4233	Inspections/Gis	General Fund		8,450	
Capital Outlay	10-4120-04-7150	Information Tech	General Fund		20,822	
Contract Service	10-4130-00-4233	Planning	General Fund		5,921	
Contract Service	10-4260-00-4233	Public Buildings	General Fund		3,000	
Maint & Repair - Facility	10-4260-00-4239	Public Buildings	General Fund		16,678	
Capital Outlay	10-4260-00-7150	Public Buildings	General Fund		4,700	
Capital Outlay	10-4260-00-7150	Public Buildings	General Fund		110,000	
Chemicals	10-4380-02-4317	Mosquito Control	General Fund		5,245	
Capital Outlay	10-4510-02-7150	Public Works	General Fund		404,558	
Cal Ripken All-Star	15-6010-00-4285	Recreation	Recreation		814	
OSHA	60-7110-00-4229		Electric Fund		3,930	
Supplies and Materials	60-7110-00-4230		Electric Fund		70,868	
Engineering	60-7110-00-4232		Electric Fund		50,590	
Departmental Improvements	60-7110-00-4260		Electric Fund		5,100	
New Equipment	60-7110-22-4274		Electric Fund		18,000	
Water Meter Replacements	60-7110-22-4306		Electric Fund		34,233	
Capital Outlay	60-8010-00-7150		Electric Fund		155,687	
Supplies and Materials	61-7210-00-4230		Water Fund		1,527	
Engineering	63-7420-00-4232		Storm Water Fund		16,534	
Total					\$ 1,242,873	\$ -

Adopted the 9th day of August 2021.

Mayor

Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Anthony Bowers, Finance Director

Item to be Considered

Subject: Tax Settlement FY 2020-2021.

Action Requested: Accept the tax settlement for 2020-2021 fiscal year.

Attachment: Certified Tax settlement.

Prepared By: Anthony Bowers, Finance Director

Date: 7/30/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The State of North Carolina requires that each year the tax collector of a given municipality provide a settlement to the Governing Board. The settlement statement gives the Town Council a look at the collection, discoveries, and adjustment for the previous year.

Budgetary Impact: None.

Recommendation: Accept the Tax Settlement.

Town of Winterville
Tax Settlement
2020-2021
As of June 30, 2021

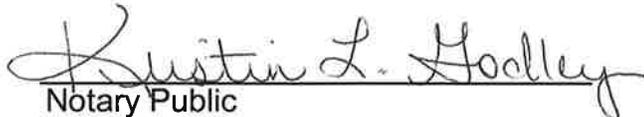
Charges to The Tax Collector	
Original Levy	\$3,790,228.00
Discoveries	\$128,987.23
Interest	\$7,353.33
Total	\$3,926,568.56

Credit to Tax Collector	
Revenues From Taxes	\$3,954,072.48
Releases	\$3,017.39
Uncollected/Insolvent	\$22,524.33
Overpayment/Refunds	(\$53,045.64)
Total	\$3,926,568.56

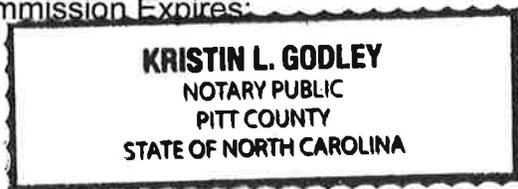
Respectfully Submitted,

Kiesha B. Chavis, Tax Collector

Sworn to and subscribed before me, this 26th day of July 2021.


Notary Public

June 23rd 2024
My Commission Expires:





**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Anthony Bowers, Finance Director

Item to be Considered

Subject: Charge the Tax Collector with collection of the 2021-2022 tax levy.

Action Requested: Charge the Tax Collector.

Attachment: None.

Prepared By: Anthony Bowers, Finance Director

Date: 7/30/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The State of North Carolina requires that each year the Tax Collector be charged with the collection of the tax levy for taxes. This year the levy is \$ \$3,989,832.70.

Budgetary Impact: \$3,989,832.70.

Recommendation: Charge the Tax Collector with collection of the 2021-2022 tax levy.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Ryan C. Willhite, Chief of Police

Item to be Considered

Subject: The Town of Winterville Code of Ordinance section 96.04 requires person(s) wishing to engage in activities regulated by this ordinance to acquire a specific permit approved by the Chief of Police, or his designee. A permit granted under this section requires an administration fee of fifteen dollars (\$15.00). The Winterville Watermelon Festival Committee is requesting exemption from this fee.

Action Requested: Approval.

Attachment: Parade Route.

Prepared By: Ryan C. Willhite, Chief of Police

Date: 7/26/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The code of ordinance requires all organizations that wish to hold a parade submit information describing the route, responsible persons and their contact numbers. The Town Council must approve the issuance of the permit based on this and any other information they request. The Winterville Watermelon Festival committee is expected to submit a parade application in the immediate future to the Chief of Police. The Organization's president is Alton Wadford. The parade contact person is Beth Fitch. The date of the parade is August 28th, 2021 at 10:00 am. The lineup will begin at 9:00 am and will end at approximately 11:00 am. The parade route is attached.

Budgetary Impact: None.

Recommendation: Approval.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Ryan C. Willhite, Chief of Police

Item to be Considered

Subject: Approval of Request from the Winterville Watermelon Festival Committee to Limit the use of the Parking lot at the Winterville Recreation Park and Request a Change in Traffic Patterns from August 26th - 28th , 2021 in support of the 2021 Watermelon Festival.

Action Requested: Approval.

Attachment: None.

Prepared By: Ryan C. Willhite, Chief of Police

Date: 7/26/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Winterville Watermelon Festival Committee request that the parking lot located at the Winterville Recreation Park be utilized for parking during the festival for the following:

- Handicapped, VIP, Employee, Bands, Vendors, Emergency Services, and other Festival staff.

Additionally, the Winterville Watermelon Festival Committee and the Chief of Police request a change in the following traffic patterns to help ensure public safety:

Sylvania Street- West bound vehicular traffic only from Ange Street to Church Street, and East bound pedestrian traffic only from Church Street to Ange Street.

- Friday, August 23rd 4:00pm until 12:00am.
- Saturday, August 24th 3:00pm until 12:00am.

Division Street- From Church Street to Park entrance.

- Closed Thursday, August 22nd at 4:00pm until 12:00am.
- Closed Friday, August 23rd at 4:00pm until 12:00am.
- Closed Saturday, August 24th at 8:00am until 12:00am.

Barrel Street – From Ange Street to Forbes Street.

- No parking on south side of street during festival hours.
- No parking on south side of street during festival hours.

Windmill Street – From Ange Street to Forbes Street.

- No parking on south side of street during festival hours.

Gregory Lane- No parking in this cul-de-sac on street during festival hours.

No parking on west side of Ange street from Blount street to Sylvania street.

* Note: Access to private residences on closed streets available by permits.

To promote optimum traffic flow and public safety, changes to the Watermelon Festival Committee’s request may be altered to accommodate Festival requirements.

Budgetary Impact: None.

Recommendation: Approval.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Ryan C. Willhite, Chief of Police

Item to be Considered

Subject: Approval of Request from the Watermelon Festival Committee to Suspend the Winterville Park Hours Limitation for August 26th - 28th, 2021.

Action Requested: Approval.

Attachment: None.

Prepared By: Ryan C. Willhite, Chief of Police

Date: 7/26/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Town of Winterville's policy states that the Winterville Recreation Park may not be used after the hours of 10:30 pm. The Winterville Watermelon Festival Committee requests that this policy be suspended for the 2021 Winterville Watermelon Festival to be held August 26th - 28th, 2021.

Budgetary Impact: None.

Recommendation: Approval.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Ryan C. Willhite, Chief of Police

Item to be Considered

Subject: Approval of Request from the Winterville Watermelon Festival Committee for the Placement of Signs and Banners on Town Property and Public Right-of-Ways.

Action Requested: Approval.

Attachment: None.

Prepared By: Ryan C. Willhite, Chief of Police

Date: 7/26/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Winterville Watermelon Festival Committee requests approval for the placement of signs and banners on town property and along public rights-of-way announcing the location and times for the upcoming 2021 Watermelon Festival. The signs will begin being erected on or about August 9th, 2021.

Budgetary Impact: None.

Recommendation: Approval.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: August 9, 2021

Presenter: Evan Johnston, Director of Parks and Recreation

Item to be Considered

Subject: Request from the Winterville Watermelon Festival Committee for use of Parks and Recreation Bathroom facilities from August 26, 2021 through August 28, 2021.

Action Requested: Approve Request.

Attachment: None.

Prepared By: Evan Johnston, Director of Parks and Recreation

Date: 7/27/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Winterville Watermelon Festival Committee has requested the use of all bathrooms, two (2) men's and two (2) women's, at the Winterville Recreation Park during the Watermelon Festival. The scheduled request is as follows:

8/26/2021 – 5 pm to 11 pm

8/27/2021 – 5 pm to 11 pm

8/28/2021 – 8 am to 11 pm

The Festival Committee will provide all paper products and they will hire and provide janitorial services to keep the bathrooms clean during these times.

Recreation Staff has discussed this issue with the Watermelon Festival Committee. Staff requests approval of the Committee's Request.

Budgetary Impact: Cost of water and electricity used during the Festival Period.

Recommendation: Approve Request.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: August 9, 2021

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: Ordinance Amendment for Composition of Parks and Recreation Advisory Board.

Action Requested: Approve Ordinance.

Attachment: Ordinance 21-O-082.

Prepared By: Donald Harvey, Town Clerk

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The attached ordinance reflects the changes approved at the June 14, 2021 Regular Council Meeting.

Budgetary Impact: NA.

Recommendation: Approval of Ordinance.

ORDINANCE NO. 21-O-082

**ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES
OF THE TOWN OF WINTERVILLE, NORTH CAROLINA**

BE IT ORDAINED by the Town Council of the Town of Winterville, North Carolina that Title III Chapter 32 of the Code of Ordinances of the Town of Winterville is hereby amended as follows:

CHAPTER 32: TOWN ORGANIZATIONS – PARKS AND RECREATION DEPARTMENT.

§ 32.045 CREATION.

Under the direct control of the Town Manager, there is hereby established a Parks and Recreation Department and the position of Director. Further, a Town Parks and Recreation Advisory Board is hereby created by the town, which shall be designated as The Parks and Recreation Advisory Board of the Town of Winterville.

§ 32.046 COMPOSITION.

The Parks and Recreation Department is comprised of a Director and a Parks and Recreation Advisory Board. The Director shall be hired and appointed by the Town Manager. The Parks and Recreation Advisory Board of the town shall be comprised of nine members and one alternate member, of which seven shall reside within the town limits at the time of their appointment, and two shall reside outside of the corporate limits of the town, but within the limits of the extraterritorial jurisdiction at the time of their appointment, and one alternate member who may reside either within the town limits or outside of the corporate limits of the town, but within the limits of the extraterritorial jurisdiction at the time of his or her appointment.

§ 32.047 APPOINTMENT.

The Parks and Recreation Advisory Board members shall serve two-year staggered terms and shall be appointed by the Council. Members may be reappointed, with no limit on the numbers of terms served. No member shall receive compensation for his or her services as a member of the Parks and Recreation Advisory Board.

§ 32.048 VACANCIES AND REMOVAL OF MEMBERS.

- (A) Movement from within the town limits or extraterritorial jurisdiction will result in immediate removal from the Parks and Recreation Advisory Board. The Council will subsequently appoint a replacement to serve the remainder of the unexpired term.
- (B) Meeting attendance.
 - (1) Absences caused by illness, injury, death, bereavement, personal emergency, or other similar situations shall be recognized as an excused absence. Excused absences are generally defined as medical or family emergencies or unavoidable business/personal conflicts.
 - (2) Any member who is absent from more than 25% of regular meetings or accumulates two consecutive unexcused absences within a fiscal year (beginning July 1) shall be replaced.
 - (3) In the event of long-term absence due to illness, medical procedure, injury, or other extenuating significant personal circumstance, the Board may deem it necessary and appropriate to grant a leave of absence until the affected Board Member is able to return. Absences accrued during an approved leave of absence period shall not be subject to the provisions stated above.
- (C) The Town Council may remove a member as deemed necessary. All vacancies occurring on the Parks and Recreation Advisory Board will be filled by the Council for the remainder of the unexpired term.

The remainder of Chapter 32 is not amended pursuant to this Ordinance.

This Ordinance shall be effective upon adoption.

Adopted this the 9th day of August 2021.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: August 9, 2021

Presenter: Ben Williams, Assistant Town Manager

Item to be Considered

Subject: Sanitary Sewer Pump Station Rehabilitation.

Action Requested: Adoption of Resolution Accepting Loan Offer.

Attachment: Resolution of Acceptance (21-R-083).

Prepared By: Ben Williams, Assistant Town Manager

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The Town applied for funding assistance for sewer pump station rehabilitation. The NC Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) reviewed the funding application and approved the Town of Winterville for loan assistance from the Clean Water State Revolving Fund (CWSRF) in the amount of \$1,974,200 with \$500,000 in principal forgiveness.

The estimated loan amount for the project is \$1,474,200, for a term of twenty (20) years with an interest rate of 0%.

Budgetary Impact: Repayment of loan with annual installments over twenty (20) years upon project completion.

Recommendation: Adopt Resolution Accepting Loan Offer.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$1,974,200 for the construction of sanitary sewer collection system rehabilitation, and

WHEREAS, the Town of Winterville (Applicant) intends to construct said project in accordance with the approved plans and specifications,

NOW THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE TOWN OF WINTERVILLE:

That the Town of Winterville does hereby accept the State Revolving Loan offer of \$1,974,200.

That the Town of Winterville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer; Section II Assurances will be adhered to.

That Terri L. Parker, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of Winterville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 9th day of August 2021 at Winterville, North Carolina.

(Signature of Chief Executive Officer)

Town Manager
(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified Town Clerk of the Town of Winterville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the acceptance of the loan offer with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the 9th day of August 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF,

I have hereunto set my hand this 9th day of August 2021.

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: August 9, 2021

Presenter: Ben Williams, Assistant Town Manager

Item to be Considered

Subject: Stormwater MS4 Permit – Notice of Violation.

Action Requested: Adoption of Resolution Declaring Support for Stormwater Management Program.

Attachment: Notice of Violation, Audit Report, and Resolution of Support/Compliance (21-R-084).

Prepared By: Ben Williams, Assistant Town Manager

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

On May 26, 2021, staff from the NCDEQ conducted a compliance audit of the Town's storm sewer system. The audit identified major deficiencies with the specific components of the MS4 permit. These deficiencies constitute a violation of the Clean Water Act and have associated enforcement actions. To address the deficiencies outlined in the attached Notice of Violation (NOV), the Town is required to complete actions also outlined in the NOV. The first item is the adoption of a resolution by the Council declaring support for a compliant stormwater management program. Total budgetary impact is not fully known at this time. It is estimated the development of a Stormwater Management Plan and responding to the NOV will cost approximately \$30,000 in consulting fees. Non-compliance could result in a fine of up to \$25,000 per violation.

Budgetary Impact: Consulting fees are estimated to be approximately \$30,000.

Recommendation: Adopt Resolution.

ROY COOPER

Governor

DIONNE DELLI-GATTI

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

June 4, 2021

CERTIFIED MAIL 7019 1120 0002 0066 3200
RETURN RECEIPT REQUESTED

Town of Winterville
Attn: Terri Parker, Town Manager
2571 Railroad Street
Winterville, North Carolina 28590

Subject: **NOTICE OF VIOLATION (NOV-2021-PC-0307)**
Town of Winterville
NPDES MS4 Permit No. NCS000507
Pitt County

Dear Ms. Parker:

On May 26, 2021, staff from the North Carolina Department of Environmental Quality (DEQ) conducted a compliance audit of the subject National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. The audit identified major deficiencies with the specific components of the MS4 permit that were reviewed, as provided in the attached DEQ MS4 Permit Compliance Audit Report. These major deficiencies constitute a violation of the Clean Water Act and are grounds for enforcement action.

In accordance with Part VI of the permit and DEQ policy, a new 5-year MS4 permit will be issued in response to the audit. To address the MS4 permit deficiencies, the Town is required to complete the following actions:

- (1) Respond in writing within thirty (30) calendar days from the date of receipt of this notice to acknowledge these requirements and the intent to comply.
- (2) Adopt a Council Resolution within sixty (60) calendar days from the date of receipt of this notice. The resolution must declare support for a compliant stormwater management program. A sample council resolution with the minimum requirements is enclosed with this letter. An original signed document must be submitted to DEQ.
- (3) Submit a Notice of Intent (NOI) for coverage under the NCG08 General Industrial Stormwater Permit for Transit and Transportation for the Operations Center within sixty (60) calendar days from the date of receipt of this notice. General permit coverage is required per Part I, Item 2 of the current permit.
- (4) Submit documentation for review and comment within one hundred twenty (120) calendar days from the date of receipt of this letter:
 - a. The Illicit Discharge Detection and Elimination Program Plan, as required in Part II, Section A.7. of the current permit.
 - b. The MS4 Operation and Maintenance Program Plan, as required in Part II, Section A.7. and Section G.2.f. of the current permit.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
512 North Salisbury Street | 1612 Mail Service Center | Raleigh, North Carolina 27699-1612
919.707.9200

- c. The Municipal SCM Operation and Maintenance Program Plan, as required in Part II, Section A.7. and Section G.2.h. of the current permit.
 - d. Conduct a self-audit which includes, at a minimum, an evaluation of compliance with the permit conditions found in Part II Section B: Public Education and Outreach; Section C, Public Involvement and Participation; Section E: Construction Site Runoff Controls; and Section H: Total Maximum Daily Loads. The self-audit must be documented using the appropriate sections of the DEQ standard MS4 Permit Compliance Audit Report Template.
 - e. Develop a Draft Stormwater Management Plan (SWMP) which details specific actions, measurable goals, and implementation timelines to bring the stormwater management program into compliance with NPDES MS4 requirements over the new 5-year permit term. The SWMP must be documented using the DEQ Phase II MS4 SWMP Template. The SWMP must address all known compliance deficiencies including, at a minimum, the items detailed in the DEQ MS4 Program Audit Report and the Town self-audit.
- (5) Submit an NPDES MS4 permit application within thirty (30) days of receiving written DEQ concurrence that the submitted Draft SWMP documents a compliant stormwater management program. A new 5-year NPDES MS4 permit will be public noticed along with the submitted SWMP.
- (6) Respond to public comments on the Draft SWMP and submit a Final SWMP for DEQ approval and final permit issuance. The final DEQ-approved SWMP shall become an enforceable component of the NPDES MS4 permit.

Required documentation shall be submitted via e-mail to Jeanette.Powell@ncdenr.gov, or to:

DEQ-DEMLR Stormwater Program
Attn: Jeanette Powell
1612 Mail Service Center
Raleigh, NC 27699-1612

If the Town fails to meet the aforementioned requirements and/or submits a significantly noncompliant Draft SWMP, DEQ may proceed with enforcement. As is stated in Part V, Section A.1(c) of the permit:

Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit [North Carolina General Statute 143-215.6A].

Please note that compliance with the requirements of this notice and/or issuance of civil or criminal penalties levied by DEQ does not preclude the EPA from carrying out its own enforcement case against the permittee.

Thank you for your attention to this matter. Should you have any questions, please contact Alaina Morman at (919) 707-9236 or Alaina.Morman@ncdenr.gov.

Sincerely,



Annette M. Lucas, PE, Stormwater Program Supervisor
Division of Energy, Mineral, and Land Resources

Enclosures: DEQ MS4 Permit Compliance Audit Report
Example Council Resolution

CC: Ben.Williams@wintervillenc.com, Assistant Town Manager
Jeanette.Powell@ncdenr.gov, DEMLR MS4 Program Coordinator
DEMLR NPDES MS4 Permit Laserfiche File



**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
PROGRAM AUDIT REPORT**

NPDES PERMIT NO. NCS000507

WINTERVILLE, NORTH CAROLINA

2571 Railroad Street
Winterville, NC 28590

Audit Date: May 26, 2021

Report Date: June 1, 2021

North Carolina Department of Environmental Quality
Division of Energy, Mineral & Land Resources Stormwater Program
512 N. Salisbury Street, 9th floor
1612 Mail Service Center
Raleigh, NC 27699-1612

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TABLE OF CONTENTS

Audit Details.....	1
Permittee Information	2
List of Supporting Documents.....	3
Program Implementation, Documentation & Assessment.....	4
Illicit Discharge Detection and Elimination (IDDE).....	7
Post-Construction Site Runoff Controls	10
Pollution Prevention and Good Housekeeping for Municipal Operations	14
Site Visit Evaluation: Municipal Facility No. 1.....	17
Site Visit Evaluation: MS4 Outfall No. 1.....	19
Site Visit Evaluation: Post-Construction Stormwater Control Measure No. 1.....	21
Appendix A: Supporting Documents	

DISCLAIMER

This audit consists of an evaluation of program compliance with the issued permit and implementation of the approved Stormwater Management Plan. This audit report does not include a review of all program components, and program deficiencies in addition to those noted may be present. The permittee is required to assess program progress and permit compliance, and to implement the approved Stormwater Management Plan in accordance with the issued permit.

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Audit Details	
Audit ID Number: NCS000507_Winterville MS4 Audit_20210526	Audit Date(s): May 26, 2021
Minimum Control Measures Evaluated: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Program Implementation, Documentation & Assessment <input type="checkbox"/> Public Education & Outreach <input type="checkbox"/> Public Involvement & Participation <input checked="" type="checkbox"/> Illicit Discharge Detection & Elimination <input type="checkbox"/> Construction Site Runoff Controls – No delegated Sediment and Erosion Control Program <input type="checkbox"/> Construction Site Runoff Controls – Delegated Sediment and Erosion Control Program <input checked="" type="checkbox"/> Post-Construction Site Runoff Controls <input checked="" type="checkbox"/> Pollution Prevention and Good Housekeeping for Municipal Operations <input type="checkbox"/> Total Maximum Daily Loads (TMDLs) 	
Field Site Visits: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Municipal Facilities. Number visited: 1 <input checked="" type="checkbox"/> MS4 Outfalls. Number visited: 1 <input type="checkbox"/> Construction Sites. Number visited: Choose an item. <input checked="" type="checkbox"/> Post-Construction Stormwater Runoff Controls. Number visited: 1 <input type="checkbox"/> Other: _____ . Number visited: Choose an item. <input type="checkbox"/> Other: _____ . Number visited: Choose an item. 	
Inspector(s) Conducting Audit	
Name, Title	Organization
Alaina Morman, Environmental Specialist	NC DEQ
Audit Report Author: Signature <u>Alaina Morman</u>	Date: 6-4-2021

Permittee Information		
MS4 Permittee Name: Town of Winterville	Permit Effective Date: February 20, 2017	Permit Expiration Date: February 19, 2022
Mailing Address: 2571 Railroad Street, Winterville, NC 28590	Date of Last MS4 Inspection/Audit: September 11, 2013	
Co-permittee(s), if applicable: N/A		
Permit Owner of Record: Terri L. Parker, Town Manager		
Primary MS4 Representatives Participating in Audit		
Name, Title	Organization	
Ben Williams, AICP CEP – Assistant Town Manager	Town of Winterville	
Will Larsen, PE – Project Manager	The Wooten Company	
MS4 Receiving Waters		
Waterbody	Classification	Impairments
Fork Swamp	C;Sw,NSW	N/A
Swift Creek	C;Sw,NSW	Benthos (Nar, AL, FW)
Nobel Canal	C;NSW	N/A

Program Implementation, Documentation & Assessment

Staff Interviewed:	Will Larsen and Ben Williams
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Permit Citation	Program Requirement	Status	Supporting Doc No.
II.A.3 Staffing and Funding	The permittee maintained adequate funding and staffing to implement and manage the provisions of the Stormwater Plan and meet all requirements of the permit.	No	---
	The Stormwater Plan identifies a specific position(s) responsible for the overall coordination, implementation, and revision to the Plan.	No	---
	Responsibilities for all components of the Stormwater Plan are documented and position(s) assignments provided.	No	---
	The permittee is current on payment of invoiced administering and compliance monitoring fees.	Yes	01

Comments
 The town re-enacted its stormwater fee in 2013-2014. The fee at that time was \$2.00 per month per ERU. Two budget cycles ago, the fee was doubled to \$4.00 per month per ERU. The collected fee money goes into an Enterprise Fund set up for stormwater infrastructure projects and to help with certain equipment maintenance costs (i.e., street sweeper, vac truck).

There are no staff positions dedicated solely to stormwater and no staff positions explicitly tied to components of the SWMP because there is no SWMP. At the time of the audit, the Assistant Town Manager was the primary contact person for all stormwater-related concerns and inquiries.

The Wooten Company is contracted by the town to do post-construction stormwater plan reviews.

II.A.2 and II.A.4 Stormwater Plan Implementation and Evaluation	The permittee evaluated the performance and effectiveness of the program components at least annually.	No	---
	If yes, the permittee used the results of the evaluation to modify the program components as necessary to accomplish the intent of the Stormwater Program.	Not Applicable	---
	Did the permitted MS4 discharges cause or contribute to non-attainment of an applicable water quality standard?	No	---
	If yes, did the permittee expand or better tailor its BMPs accordingly to address the non-attainment?	Not Applicable	---

Comments

II.A.5	The permittee kept the Stormwater Plan up to date.	No	---
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Program Implementation, Documentation & Assessment			
Keeping the Stormwater Plan Up to Date	The permittee notified DEMLR of any updates to the Stormwater Plan.	Not Applicable	---
Comments The town does not have a Stormwater Management Plan (SWMP).			
II.A.5 Stormwater Plan Modifications	Did DEMLR require a modification to the Stormwater Plan?	No	---
	If yes, did the permittee complete the modifications in accordance with the established deadline?	Not Applicable	---
Comments The town does not have a SWMP.			
II.A.6 Sharing Responsibility	Are any control measures implemented by an entity other than the permittee?	Yes	---
	If yes, is there a written agreement in place?	Yes	02, 05, 06
Comments The Wooten Company is contracted to do the post-construction stormwater plan reviews. [Document 05, Page 37 of 58, #11; Document 06] E&SC plan reviews are done by DEMLR staff in the Washington Regional Office. [Document 02, Part 1.02A(4)]			
II.A.7 Written Procedures	The permittee maintained written procedures for implementing the six minimum control measures.	No	---
	Written procedures identified specific action steps, schedules, resources and responsibilities for implementing the six minimum measures.	Not Applicable	---
Comments There are no written procedures.			
III. 1 Program Documentation	The permittee maintained documentation of all program components including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, enforcement actions etc., on file for a period of five years.	No	---
Comments			
III.2 Annual Report Submittal	The permittee submitted annual reports to the Department within twelve months from the effective date of the permit.	No	---
	The permittee submitted subsequent annual reports every twelve months from the scheduled date of the first annual report submittal.	Partial	---

Program Implementation, Documentation & Assessment

	The Annual Reports included appropriate information to accurately describe the progress, status, and results of the permittee's Stormwater Plan, including, but not limited the following:		
	a) A detailed description of the status of implementation of the Stormwater Plan as a whole. This will include information on development and implementation of each major component of the Stormwater Plan for the past year and schedules and plans for the year following each report.	No	---
	b) An adequate description and justification of any proposed changes to the Stormwater Plan. This will include descriptions and supporting information for the proposed changes and how these changes will impact the Stormwater Plan (results, effectiveness, implementation schedule, etc.).	No	---
	c) Documentation of any necessary changes to programs or practices for assessment of management measures implemented through the Stormwater Plan.	No	---
	d) A summary of data accumulated as part of the Stormwater Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Plan.	No	---
	e) An assessment of compliance with the permit, information on the establishment of appropriate legal authorities, inspections, and enforcement actions.	No	---
Comments	<p>The town does not have a current SWMP; therefore, there was no reporting on the SWMP that could have been done. The town did submit a Stormwater Management Program Assessment (SWMPA) in 2019 and 2020, but does not have record of any other annual report submissions. SWMPAs can be viewed here: https://edocs.deq.nc.gov/WaterResources/Browse.aspx?dbid=0&startid=992896</p>		
IV.2 Annual Reporting	The permittee completed and submitted the reporting information contained within the online BIMS Stormwater Management Program Assessment (SWMPA) to meet the annual reporting requirement of the permit.	Partial	---
Comments	<p>The town did submit SWMPAs in 2019 and 2020, but does not have record of any other annual report submissions. The SWMPAs can be viewed here: https://edocs.deq.nc.gov/WaterResources/Browse.aspx?dbid=0&startid=992896</p>		
Additional Comments:			

Illicit Discharge Detection and Elimination (IDDE)			
Staff Interviewed:	Will Larsen and Ben Williams		
Permit Citation	Program Requirement	Status	Supporting Doc No.
II.D.2.a Legal Authorities	The permittee maintained an IDDE ordinance or other regulatory mechanism(s) that provides the legal authority to prohibit illicit connections and discharges and take enforcement action when necessary.	Yes	03
	If yes, the ordinance or other regulatory mechanism(s) was reviewed annually.	No	
	If yes, the ordinance applies throughout the corporate limits of the permittee.	Yes	03, 04
Comments			
II.D.2.b Storm Sewer System Map	The permittee maintained a current map showing major outfalls* and receiving streams.	No	---
Comments The town has a Stormwater System map (document 07) that shows connections between the stormwater infrastructure and to the drainage district's drainage laterals. However, outfalls are not explicitly identified and the town was unaware of the need to map outfalls. <i>*Major outfalls are discharges from ≥ 36" diameter pipes or drainage areas of ≥ 50 acres. In areas zoned for industrial activity, major outfalls are ≥ 12" or drainage area ≥ 2 acres.</i>			
II.D.2.c Dry Weather Flow Program	The permittee developed and implemented a program for conducting dry weather flow field observations in accordance with a written procedure for detecting and removing the sources of illicit discharges.	No	---
Comments			
II.D.2.d Investigation Procedures	The permittee maintained written procedures for conducting investigations of identified illicit discharges.	No	---
	If yes, the permittee evaluated the written procedures annually.	Not Applicable	
Comments			
II.D.2.e	For each case of an illicit discharge or potential illicit discharge, the permittee documented and tracked the following:		

Illicit Discharge Detection and Elimination (IDDE)			
Track Investigations and Document Illicit Discharges	1. The date(s) the illicit discharge was observed	No	---
	2. The results of the investigation	No	---
	3. Any follow-up of the investigation	No	---
	4. The date the investigation was closed	No	---
Comments The town does not have a standard inspection form or tracking mechanism for illicit discharge reports and observations.			
II.D.2.f Employee Training	The permittee implemented and documented a training program for appropriate municipal staff who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection.	No	---
Comments			
II.D.2.g Public Education	The permittee informed public employees of hazards associated with illegal discharges and improper disposal of waste.	Partial	---
	The permittee informed businesses of hazards associated with illegal discharges and improper disposal of waste.	No	---
	The permittee informed the general public of hazards associated with illegal discharges and improper disposal of waste.	Partial	08
Comments The Public Works staff receive some guidance during their orientation when talking about duties and responsibilities; but there is no formal, targeted training. There is no awareness campaign targeted at businesses. The town does have information about illicit discharges on its stormwater website (https://www.wintervillenc.com/stormwater-management) and provides a number to call to report potential violators. Additionally, a pamphlet is available online that discusses how to handle yard waste and other debris so it doesn't end up in the storm sewer.			

Illicit Discharge Detection and Elimination (IDDE)

II.D.2.h Public Reporting Mechanism	The permittee promoted, publicized, and facilitated a reporting mechanism for the public to report illicit discharges.	Partial	---
	The permittee promoted, publicized, and facilitated a reporting mechanism for staff to report illicit discharges.	Partial	---
	The permittee established and implemented response procedures for citizen requests/reports.	No	---

Comments
 On the town's stormwater website (<https://www.wintervillenc.com/stormwater-management>) there's a number to call to report potential illicit discharges—it's the number for the Public Works Department. The public can also call Town Hall/Customer Service or the Operations Center, and the administrative staff will email the Assistant Town Manager or the Public Works Director. There's also a "Contact Us" link on the website that anyone can use. It's unclear how much the town actually promoted or publicized these avenues for reporting illicit discharges because there's no SWMP and public education efforts are not tracked.

For town staff, the expectation is that they will call or email the Assistant Town Manager or the Public Works Director. There is no formal IDDE training for staff, so it's unclear how this expectation is promoted.

II.D.2.i Enforcement	The permittee implemented a mechanism to track the issuance of notices of violation and enforcement actions administered by the permittee.	No	---
	If yes, the mechanism includes the ability to identify chronic violators for initiation of actions to reduce noncompliance.	Not Applicable	---

Comments

**Additional
Comments:**

Post-Construction Site Runoff Controls

Staff Interviewed:

Will Larsen and Ben Williams

Implementation (check all that apply):

- The permittee implements the components of this minimum measure.
- The permittee relies upon another entity to implement the components of this minimum measure:
- The permittee implements the following deemed-compliant program(s), which meet NPDES MS4 post-construction requirements for the areas where implemented and in compliance with the specific program requirements as provided in 15A NCAC and noted below (*Complete Session Law 2006-246 section below*):
 - Water Supply Watershed I (WS-I) – 15A NCAC 2B .0212
 - Water Supply Watershed II (WS-II) – 15A NCAC 2B .0214
 - Water Supply Watershed III (WS-III) – 15A NCAC 2B .0215
 - Water Supply Watershed IV (WS-IV) – 15A NCAC 2B .0216
 - Freshwater High Quality Waters (HQW) – 15A NCAC 2H .1006
 - Freshwater Outstanding Resource Waters (ORW) – 15A NCAC 2H .1007
 - Neuse River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B .0235
 - Tar-Pamlico River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B .0258
 - Randleman Lake Water Supply Watershed Nutrient Management Strategy – 15A NCAC 2B .0251
 - Universal Stormwater Management Program – 15A NCAC 2H .1020

Ordinance(s) (check all that apply):

The permittee utilizes the following ordinances and/or regulatory authority to fulfill post construction minimum measure program requirements throughout the MS4 permitted area (check all that apply):

- DEQ model ordinance
- MS4 designed post-construction practices that meet or exceed 15A NCAC 02H .1000.
- DEQ approved comprehensive watershed plan
- DEQ approved ordinance for a deemed-compliant Program (see list above)

Permit Citation	Program Requirement	Status	Supporting Doc No.
II.F.2.a Legal Authority	The permittee maintained an ordinance or other regulatory mechanism designed to meet the objectives of the Post-Construction Site Runoff Controls Stormwater Management Program.	Yes	03
	If yes, the ordinance applies throughout the corporate limits of the permittee	Yes	04

Post-Construction Site Runoff Controls			
	The permittee has the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained.	Yes	03
	The permittee has the authority to request information such as stormwater plans, inspection reports, monitoring results, and other information deemed necessary to evaluate compliance with the Post-Construction Stormwater Management Program.	Yes	03
	The permittee has the authority to enter private property for the purpose of inspecting at reasonable times any facilities, equipment, practices, or operations related to stormwater discharges.	Yes	03
Comments			
II.F.2.b Stormwater Control Measures (SCMs)	The permittee adopted the DWQ BMP Design Manual.	Yes	03
	If no, the permittee certified that the local BMP Design Manual meets or exceeds the requirements in the DWQ BMP Design Manual.	Not Applicable	---
Comments			
II.F.2.c Plan Reviews	The permittee conducted site plan reviews of all new development and redeveloped sites that disturb greater than or equal to one acre (including sites that disturb less than one acre that are part of a larger common plan of development or sale).	Yes	03
	If yes, the site plan reviews addressed how the project applicant meets the performance standards.	Yes	03
	If yes, the site plan reviews addressed how the project will ensure long-term maintenance.	Yes	03
Comments			
II.F.2.d Inventory of Projects	The permittee maintained an inventory of projects with post-construction structural stormwater control measures installed and implemented at new development and redeveloped sites.	Partial	---
	The inventory included both public and private sector sites located within the permittee's corporate limits that are covered by its post-construction ordinance requirements.	Partial	---
Comments The town and the consulting engineer from The Wooten Company both have file copies of every plan review conducted. However, the town does not have a running inventory of all projects with post-construction SCMs.			

Post-Construction Site Runoff Controls			
II.F.2.e Deed Restrictions and Protective Covenants	The permittee provided mechanisms such as recorded deed restrictions and protective covenants that ensure development activities will maintain the project consistent with approved plans.	Yes	03
Comments Before a Certificate of Occupancy is issued, the SCM owner is required to submit an executed O&M plan and recorded easement allowing access for inspections and maintenance. Restrictive covenants between an HOA and individual homeowners are also recorded with the register of deeds.			
II.F.2.f Mechanism to Require Long-term Operation and Maintenance	The permittee implemented or required an operation and maintenance plan for the long-term operation of the SCMs required by the program.	Yes	02, 03
	The operation and maintenance plan required the owner of each SCM to perform and maintain a record of annual inspections of each SCM.	Yes	02, 03
	Annual inspection of permitted structural SCMs are required to be performed by a qualified professional.	Yes	02, 03
Comments			
II.F.2.g Inspections of Structural Stormwater Control Measures	The permittee developed and implemented a written inspection program for SCMs installed pursuant to the post-construction program.	No	---
	The permittee documented and maintained records of inspections.	No	---
	The permittee documented and maintained records of enforcement actions.	No	---
Comments The town has identified some problems with certain SCMs and has engaged in third party evaluations, which would be the first step for an NOV, but no enforcement actions have been taken yet. The town does not have a written inspection program for SCMs and has not documented the informal inspections that have occurred.			
II.F.2.h Educational Materials and Training for Developers	The permittee made available through paper or electronic means, ordinances, post-construction requirements, design standards checklists, and other materials appropriate for developers.	No	---
Comments There are no links to stormwater-specific ordinances, post-construction requirements, the NCDEQ Stormwater Design Manual, or any other relative stormwater information for developers on the town's Stormwater Management website or its Planning website. The Assistant Town Manager explained that all development projects start with the Development Review Committee in the Planning Department. Based on the type of work begin conducted, Planning Department staff will direct developers to the appropriate ordinances and requirements. However, it's unclear how Planning Department staff ensure all stormwater requirements are covered.			

Post-Construction Site Runoff Controls			
II.F.2.i Enforcement	The permittee tracked the issuance of notices of violation and enforcement actions.	No	---
	If yes, the tracking mechanism included the ability to identify chronic violators for initiation of actions to reduce noncompliance.	No	---
Comments			
II.F.3.c New Development	The permittee fully complies with post construction program requirements on its own publicly funded construction projects.	Partial	03
Comments Publicly funded projects are not explicitly exempted or included—the ordinance just says all projects shall abide by post-construction requirements.			
Additional Comments:			

Pollution Prevention and Good Housekeeping for Municipal Operations

Staff Interviewed:	Will Larsen and Ben Williams
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Permit Citation	Program Requirement	Status	Supporting Doc No.
II.G.2.a Facility Inventory	The permittee maintained a current inventory of facilities and operations owned and operated by the permittee with the potential for generating polluted stormwater runoff.	No	---

Comments
 The town has lists in a couple different locations, but none have been evaluated through a stormwater/pollution lens to determine the potential for generating polluted stormwater runoff. None of the lists were provided during the audit or after.

II.G.2.b Operation and Maintenance (O&M) for Facilities	The permittee maintained and implemented an O&M program for municipally owned and operated facilities with the potential for generating polluted stormwater runoff.	No	---
	If yes, the O&M program specifies the frequency of inspections.	Not Applicable	---
	If yes, the O&M program specifies the frequency of routine maintenance requirements.	Not Applicable	---
	If yes, the permittee evaluated the O&M program annually and updated it as necessary.	Not Applicable	---

Comments

II.G.2.c Spill Response Procedures	The permittee had written spill response procedures for municipal operations.	No	---
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Comments

II.G.2.d Streets, Roads, and Public Parking Lots Maintenance	The permittee evaluated BMPs that reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within its corporate limits.	No	---
	The permittee updated its Stormwater Plan to include the BMPs selected within 12 months.	No	---

Comments

Pollution Prevention and Good Housekeeping for Municipal Operations			
II.G.2.e Streets, Roads, and Public Park Lots Maintenance	The permittee implemented BMPs selected to reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within 24 months.	No	---
<i>Comments</i>			
II.G.2.f O&M for Catch Basins and Conveyance Systems	The permittee developed and implemented an O&M program for the stormwater sewer system including catch basins and conveyance systems that it owns and maintains.	No	---
<i>Comments</i>			
II.G.2.g Structural Stormwater Controls	The permittee maintained a current inventory of municipally-owned or operated structural stormwater controls installed for compliance with the permittee's post-construction ordinance.	Partial	---
<i>Comments</i> The town owns two ponds, which are identified on the Stormwater System Map, but associated information is not readily available.			
II.G.2.h O&M for Structural Stormwater Controls	The permittee maintained and implemented an O&M program for municipally-owned or maintained structural stormwater controls installed for compliance with the permittee's post-construction ordinance. If yes, then:	No	---
	The O&M program specified the frequency of inspections and routine maintenance requirements.	Not Applicable	---
	The permittee documented inspections of all municipally-owned or maintained structural stormwater controls.	Not Applicable	---
	The permittee inspected all municipally-owned or maintained structural stormwater controls in accordance with the schedule developed by permittee.	Not Applicable	---
	The permittee maintained all municipally-owned or maintained structural stormwater controls in accordance with the schedule developed by permittee.	Not Applicable	---
	The permittee documented maintenance of all municipally-owned or maintained structural stormwater controls.	Not Applicable	---
<i>Comments</i> The two ponds owned by the town were built around 2009, before the town had the more formal Development Review Committee standards. There are no files for these ponds.			
II.G.2.i	The permittee ensured municipal employees are properly trained in pesticide, herbicide and fertilizer application management.	Yes	---

Pollution Prevention and Good Housekeeping for Municipal Operations			
Pesticide, Herbicide and Fertilizer Application Management	The permittee ensured contractors are properly trained in pesticide, herbicide and fertilizer application management.	No	---
	The permittee ensured all permits, certifications, and other measures for applicators are followed.	No	---
Comments There is at least one staff member in the departments that handle facilities and ground maintenance that has a license through the NC Department of Agriculture. Other staff operate under their license and guidance. The town contracts with NaturChem to handle some maintenance. There is no formal process or mechanism to ensure contractors are properly trained/certified.			
II.G.2.j Staff Training	The permittee implemented an employee training program for employees involved in implementing pollution prevention and good housekeeping practices.	No	---
Comments			
II.G.2.k Vehicle and Equipment Cleaning	The permittee described and implemented measures that prevent or minimize contamination of stormwater runoff from all areas used for vehicle and equipment cleaning.	No	---
Comments			
Additional Comments:	The town contracts out major vehicle maintenance. However, since there is onsite fueling at the Operations Center, the town needs to obtain coverage under the NCG08 General Industrial Stormwater Permit for Transit and Transportation. General stormwater permits are site specific, so the NCG08 permit would only be for the Operations Center.		

Site Visit Evaluation: Municipal Facility No. 1

Facility Name: Winterville Operations Center	Date and Time of Site Visit: May 26, 2021 at 2:20 PM
Facility Address: 2936 Church Street	Facility Type: Field services yard including equipment and material storage
Name of MS4 inspector(s) evaluated: Will Larsen and Ben Williams	Most Recent MS4 Inspection: None

Name(s) and Title(s) of Facility Representative(s) Present During the Site Visit:

Name	Title
Ben Williams	Assistant Town Manager

Observations

Facility Documentation/Training

Does the facility have a Stormwater Pollution Prevention Plan (SWPPP) or similar document? Is it facility-specific?
 The facility does not have a SWPPP, but one will need to be developed as part of obtaining NCG08 permit coverage.

What type of stormwater training do facility employees receive? How often?
 Facility employees do not currently receive any stormwater training.

Inspector Training/Knowledge

What type of stormwater training does the MS4 inspector receive? How often?
 Mr. Larsen obtained the SCM Inspection and Maintenance Certification through NC State University. His certification number is 3083. He is also a licensed professional engineer.

Mr. Williams has no formal stormwater training.

Did the MS4 inspector appear knowledgeable about Permit requirements for pollution prevention and good housekeeping?
 No.

Did the MS4 inspector appear knowledgeable about stormwater pollution prevention and good housekeeping?
 Both inspectors were somewhat knowledgeable about basic pollution prevention and good housekeeping.

Inspection Procedures

Does the MS4 inspector's process include the use of a checklist or other standardized form?
 No standardized forms or checklists have been developed.

Does the MS4 inspector's process include taking photos?
 No.

Does the MS4 inspector's process include reviewing the facility's SWPPP (or similar document)?
 N/A because no SWPPP or similar document currently exists.

Site Visit Evaluation: Municipal Facility No. 1

Does the MS4 inspector's process include walking the entire facility and inspecting all points of discharge?
It does now.

Did the MS4 inspector miss any obvious areas of concern? If so, explain:
Yes. Please see comments section below.

Does the MS4 inspector's process include presenting the inspection findings to the facility contact?
The facility contact was also one of the inspectors (Mr. Williams).

Inspection Results

Did the facility inspection result in any corrective actions to be implemented? If so, for what issue(s)?
There are items that need to be corrected. Please see the comments section below.

If compliance corrective actions were identified, what timeline for correction/follow-up was provided?
The items of concern must be addressed in conjunction with submitting an NCG08 NOI.

Notes/Comments/Recommendations

Since there is onsite fueling at the Operations Center, the town needs to obtain coverage under the NCG08 General Industrial Stormwater Permit for Transit and Transportation.

Items of concern:

- Lack of spill kits.
- Release valve on secondary containment for fuel tanks was not locked. It was unclear if the valve was in open or closed position.
- Vehicles being washed out over a storm sewer drain. Dirt and debris should not be washed into the storm sewer system. It was unclear if any soap or detergent was being used.
- Steel and plastic drums must be capped and labeled at all times.

These items must be addressed in conjunction with applying for NCG08 coverage.

Site Visit Evaluation: MS4 Outfall No. 1	
Outfall ID Number: <p style="text-align: center;">None</p>	Date and Time of Site Visit: <p style="text-align: center;">May 26, 2021 at 3:15 PM</p>
Outfall Location: <p style="text-align: center;">Winterville Operations Center</p>	Outfall Description (Pipe Material/Diameter, Culvert, etc.): <p style="text-align: center;">small earthen channel</p>
Receiving Water: <p style="text-align: center;">Drainage lateral to Swift Creek</p>	Is Flow Present? If So, Describe (Color, Approximate Flow Rate, Sheen, Odor, Floatables/Debris, etc.): <p style="text-align: center;">No flow present</p>
Most Recent Outfall Inspection/Screening (Date): <p style="text-align: center;">None</p>	
Days Since Last Rainfall: <p style="text-align: center;">Approximately 3</p>	
Inches:	
Name of MS4 Inspector(s) evaluated: <p>Will Larsen</p>	
Observations	
Inspector Training/Knowledge	
What type of stormwater training does the MS4 inspector receive? How often? <p>The inspector obtained the SCM Inspection and Maintenance Certification through NC State University. His certification number is 3083. The inspector is also a licensed professional engineer.</p>	
Did the MS4 inspector appear knowledgeable about illicit discharge indicators and investigations? <p>Yes, the inspector knew to look for evidence of non-stormwater flows and for any sheens, floatables, etc. in and around the outfall.</p>	
Inspection Procedures	
Does the inspector's process include the use of a checklist or other standardized form? <p>No standardized form or checklist was used because the town has not developed anything.</p>	
Does the inspector's process include taking photos? <p>Yes, if needed to document anything odd or needed maintenance.</p>	
Did the MS4 inspector miss any obvious potential illicit discharge indicators or maintenance issues? If so, what were they? <p>No.</p>	

Site Visit Evaluation: MS4 Outfall No. 1

Inspection Results

Did the outfall inspection result in any work orders or maintenance requests? If so, for what issue(s)?

No.

Will a follow-up outfall inspection be conducted? If so, for what reason?

A follow-up inspection is not needed.

Notes/Comments/Recommendations

The town needs to determine where its outfalls are and map the major ones, at least.

Site Visit Evaluation: Post-Construction Stormwater Control Measure No. 1	
Site Name: Winterville Operations Center	Date and Time of Site Visit: May 26, 2021 at 2:05 PM
Site Address: 2936 Church Street	SCM Type: Dry Pond
	Most Recent MS4 Inspection: No formal inspection
Name of MS4 Inspector(s) evaluated: Will Larsen	Most Recent MS4 Enforcement Activity: N/A
Name(s) and Title(s) of Site Representative(s) Present During the Site Visit:	
<u>Name</u>	<u>Title</u>
Ben Williams	Assistant Town Manager
Observations	
Site Documentation	
Does the site have an operation and maintenance plan? No.	
Does the site have records of annual inspections? Are they performed by a qualified individual? No.	
Inspector Training/Knowledge	
What type of stormwater training does the MS4 inspector receive? How often? The inspector obtained the SCM Inspection and Maintenance Certification through NC State University. His certification number is 3083. The inspector is also a licensed professional engineer.	
Did the MS4 inspector appear knowledgeable about MS4 requirements for post-construction site runoff controls? Yes, the inspector was knowledgeable about post-construction SCMs.	
Did the MS4 inspector appear knowledgeable about post-construction BMPs (general purpose/function, components, O&M requirements, etc.)? Yes.	
Inspection Procedures	
Does the MS4 inspector's process include the use of a checklist or other standardized form? What format? No standardized form was used because the town has not developed one.	
Does the MS4 inspector's process include taking photos? Yes, if needed to document anything odd or needed maintenance.	

Site Visit Evaluation: Post-Construction Stormwater Control Measure No. 1

Does the MS4 inspector's process include reviewing the site's operation and maintenance plan and records of annual inspections?
No O&M plan or records of annual inspections exist for this pond, so there was nothing to review.

Does the MS4 inspector's process include walking the entire site and inspecting all points of discharge?
Yes.

Did the MS4 inspector miss any obvious operation and maintenance deficiencies? If so, explain:
No.

Does the MS4 inspector's process include presenting the inspection findings to the site contact in writing?
Yes. All findings are reported to the Assistant Town Manager.

Compliance/Enforcement

What, if any, enforcement actions (verbal warnings, NOV, etc.) did the inspection result in?
None, the pond was in good condition and the vegetation was well maintained.

If compliance issues were identified, what timeline for correction/follow-up was provided?
N/A

Notes/Comments/Recommendations

During the inspection, a slight flow was observed from a pipe thought to only connect to the Operations Center building downspouts. It had not rained in the past few days, so the flow was not coming from the downspouts. The town needs to determine what is tied into the pond and map that connectivity.

The town has not developed an O&M program for municipally owned SCMs, so there are no protocols or procedures in place for conducting SCM inspections. However, the inspector, Mr. Larsen, is very knowledgeable about SCMs and their maintenance requirements. Once the town develops standardized forms and maintenance schedules, Mr. Larsen will be able to efficiently and accurately conduct formal inspections.

APPENDIX A: SUPPORTING DOCUMENTS

All supporting documentation cited in this report can be accessed from the Division of Energy, Mineral, and Land Resources' online Laserfiche repository at the following link:

<https://edocs.deq.nc.gov/WaterResources/Browse.aspx?dbid=0&startid=992896>

Resolution No.: 21-R-054

Date Adopted: August 9, 2021

**RESOLUTION AFFIRMING THE TOWN OF WINTERVILLE COUNCIL'S SUPPORT
REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM**

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the Town of Winterville National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS000507 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the Town of Winterville and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality issued the Town of Winterville its NPDES MS4 Permit for discharge of stormwater; and

WHEREAS, the Town of Winterville was issued Notice of Violation number NOV-2021-PC-0307 on June 4, 2021 for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the Town of Winterville acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

WHEREAS, the Town of Winterville acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than October 14, 2021 for review and approval; and

WHEREAS, the Town of Winterville acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000507 and the required new Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than August 16, 2021; and

WHEREAS, the Town of Winterville acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

WHEREAS, the Town of Winterville acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2021-PC-0307; and

WHEREAS, the Town of Winterville acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Winterville hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

Douglas A. Jackson, Mayor

Terri L. Parker, Town Manager

Ben E. Williams, Stormwater Program
Administrator (Interim)

Donald Harvey, Town Clerk

SEAL

ADOPTED BY the Town Council of the Town of Winterville, North Carolina the 9th day of August 2021 and signed in authentication thereof the 9th day of August 2021.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: August 9, 2021

Presenter: Ben Williams, Assistant Town Manager

Item to be Considered

Subject: Wooten Company – Task Order No. 32 – Stormwater Management Plan.

Action Requested: Approval of Task Order.

Attachment: Engineering Services Agreement.

Prepared By: Ben Williams, Assistant Town Manager

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

The subject Task Order No. 32 is for creating the Town's Stormwater Management Plan for compliance with the MS4 Audit/Notice of Violation received June 4, 2021. The Engineer will provide services to assist the Town with responding to the NOV and development of written guidance for the required plan. Tasks will include the following:

- Develop Illicit Discharge Detection and Elimination Program Plan.
- MS4 Operation and Maintenance Program Plan.
- Municipal Stormwater Control Measures Operation and Maintenance Program Plan.
- Municipal Self-Audit.
- Stormwater Management Plan Development.
- Assist with submission of NPDES MS4 permit application.

Budgetary Impact: This work will be done on an hourly basis with a not to exceed cost of \$28,500. Funds for this effort were included in the approved budget for this fiscal year.

Recommendation: Staff recommends approval of contract.

Task Order No. 32 – Town of Winterville – MS4 Audit Response & SWMP

In accordance with Paragraph 1.01 of the Agreement between Owner and Engineer for Professional Services – Task Order Edition, dated September 10, 2015 ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

A. Title: **MS4 Audit Response and Stormwater Management Plan (SWMP)**

B. Description: **Engineer will provide services (as noted in Section 2) to assist Town staff with the official responses to a Notice of Violation letter (Dated June 4, 2021) and development written guidance of required plans. Tasks included:**

- **Development of Illicit Discharge Detection and Elimination Program Plan**
- **MS4 Operation and Maintenance Program Plan**
- **Municipal SCM Operation and Maintenance Program Plan**
- **Assist Town in Conducting Self Audit**
- **Develop a Draft Stormwater Management Plan (SWMP)**
- **Assist Town in submitting NPDES MS4 permit application.**
- **Assist Town in responding to public comments on the Draft SWMP and submittal of Final SWMP for DEQ approval**

This project is funded with local funds.

C. Number of Construction Contracts

The Specific Project is anticipated to be constructed under 1 Construction Contracts.

2. Services of Engineer

- Design Services:
- Bidding or Negotiating Services
- Part-time Construction Admin. And Resident Project Representative Services

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B, subject to the following: **No modifications.**

4. Times for Rendering Services

Engineer will present the Engineering report within three (3) months from the execution of this agreement.

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered as follows:

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Estimate of Compensation for Services</i>
MS4 Response & SWMP	<i>Hourly Rate</i>	\$ 28,500.00
TOTAL ESTIMATE (Ceiling Fee)		\$ 28,500.00

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

6. Consultants: **None.**

7. Other Modifications to Agreement: **None.**

8. Attachments: **Hourly Rate Schedule**

9. Documents Incorporated By Reference: **None.**

10. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is **July 15, 2021**.

OWNER:

ENGINEER:

Town of Winterville, NC

**L.E. Wooten & Company dba
The Wooten Company**

By (Signature): _____

By (Signature): 

Typed Name: **Terri L. Parker**

Typed Name: **W. Brian Johnson, PE**

Title: **Town Manager**

Title: **Vice-President**

Engineer License or Firm's
Certificate No. **F-0115**
State of: **North Carolina**

**DESIGNATED REPRESENTATIVE FOR
TASK ORDER:**

**DESIGNATED REPRESENTATIVE FOR
TASK ORDER:**

Typed Name: **Terri L. Parker**

Typed Name: **Derrick C. Smith, PE**

Title: **Town Manager**

Title: **Greenville Regional Manager**

Address: **P. O. Box 1459
Winterville, NC 28590**

Address: **310 W. 14th Street
Greenville, NC 27834**

E-Mail Address: **Terri.Parker@wintervillenc.com**

E-Mail Address: **dsmith@thewootencompany.com**

Phone: **(252) 756-2221**

Phone: **(252) 757-1096**

Fax: **(252) 321-8455**

Fax: **(252) 757-3221**



SCHEDULE OF FEES
Hourly Rates for Wage Categories

Wage Category	Hourly Billing Rate
Engineer I	\$ 108
Engineer II	\$ 137
Engineer III	\$ 163
Engineer IV	\$ 194
Engineer V	\$ 235
Architect II	\$ 141
Designer I	\$ 75
Designer II	\$ 95
Designer III	\$ 117
Designer IV	\$ 142
Construction Admin I	\$ 112
Construction Admin II	\$ 170
Construction Admin III	\$ 210
Construction Observer / Resident Project Representative	\$ 102
Utility Coordinator II	\$ 125
Utility Coordinator III	\$ 160
Survey Technician I	\$ 50
Survey Technician II	\$ 65
Survey Technician III	\$ 85
Survey Technician IV	\$ 120
Surveyor II	\$ 110
Surveyor III	\$ 129
Surveyor IV	\$ 174
GIS Analyst II	\$ 83
GIS Analyst III	\$ 117
GIS Analyst IV	\$ 122
Funding Coordinator I	\$ 116
Funding Coordinator II	\$ 131
Funding Coordinator III	\$ 141
Community Development Coordinator	\$ 133
Project Assistant	\$ 79

Reimbursables: Mileage will be billed at the current IRS Standard Mileage Rate, Subcontracted Services and other expenses at cost plus 10%.

Annual adjustments are made on July 1st of each year. The above hourly rates reflect current rates for the period through June 30, 2022. Hourly billing rates will change next on July 1, 2022 to reflect Direct Payroll Costs (salaries) being paid at that time.

Effective Rates July 1, 2021 through June 30, 2022



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: August 9, 2021

Presenter: Ryan C. Willhite, Chief of Police

Item to be Considered

Subject: The Police Department is requesting our continued participation and contract with Pitt County Schools for the Town of Winterville to supply one (1) School Resource Officer (SRO) at A.G. Cox (primarily) and secondary duties at W.H. Robinson and Creekside Elementary Schools.

Action Requested: Enter into the SRO contract with Pitt County Schools.

Attachment: Proposed SRO Contract.

Prepared By: Ryan C. Willhite, Chief of Police

Date: 7/20/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Pitt County Schools has requested that the Town of Winterville enter into a contract to supply a School Resource Officer (SRO) in the County schools within our jurisdiction. The County has proposed a one (1) year contract which will pay the officers salary and benefits **(\$70,541.95)** and the Town of Winterville is responsible for the equipment, uniforms, vehicle and training. This officer will primarily be assigned to A.G. Cox Middle Cchool but will frequent W.H. Robinson Elementary as well as Creekside Elementary as needed or prudent. The County will make 12 monthly installments to the Town to reimburse the salary and benefits cost. As with other SRO's throughout the County, this Contract is renewed annually to address changes in salary or details.

Budgetary Impact: The Department's current budget will absorb personal equipment, uniforms and training costs.

Recommendation: Approval.

NORTH CAROLINA
PITT COUNTY

WINTERVILLE POLICE DEPARTMENT
SCHOOL RESOURCE OFFICER PROGRAM AGREEMENT
2021–2022

This Winterville Police Department School Resource Officer Program Agreement for the 2021–2022 School Year (“Agreement”) is made and entered into this the ___ day of June, 2021, by and between The Pitt County Board of Education, a body politic and corporate, organized and existing under the laws of the State of North Carolina (the “School System”) and the Town of Winterville, a municipal corporation in the State of North Carolina (the “Town”) (individually “Party” and collectively the “Parties”).

WITNESSETH:

WHEREAS, the Town has established, organized, and maintained an accredited law enforcement agency, the Winterville Police Department (“WPD”), with territorial jurisdiction and all law enforcement powers as authorized by statute, case law, and the common law of the State of North Carolina within the corporate limits of the Town, pursuant to N.C.G.S. § 160A-281 and N.C.G.S. § 160A-285;

WHEREAS, the School System currently serves more than 23,000 students in 37 schools in Pitt County;

WHEREAS, the Parties have a close working relationship and desire to create a safe and secure environment on the campuses of the School System which are located within the corporate limits of the Town;

WHEREAS, this Agreement establishes the Parties’ duties and obligations concerning the Town’s involvement in the School System’s School Resource Officer (“SRO”) Program (the “SRO Program”) utilizing WPD officers in and upon the School System’s schools, which are located within the corporate limits of the Town and are part of this Agreement;

WHEREAS, the Parties recognize the benefits of the Town’s participation in the SRO Program;

WHEREAS, the Town agrees to provide to the School System and manage one (1) full-time SRO and provide supplies and equipment necessary to support the SRO, and the School System agrees to reimburse the Town for its expenses in providing the said SRO for the SRO Program, as set forth herein; and

WHEREAS, the Parties desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the Parties pursuant to the SRO Program.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants and agreements contained herein below, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1.0 Goals and Objectives. The Parties share the following goals and objectives regarding the SRO Program.

- 3.1.3** If the SRO's temporary absence was not scheduled in advance (e.g. sickness, death of a family member, medical emergency, etc.) or the SRO is absent from work for a scheduled absence (e.g. vacation, continuing education, etc.), the Town, to the extent reasonably practicable, agrees to assign another officer to substitute for the SRO. In no event, shall the School System be without a certified law enforcement officer for more than five (5) consecutive school days, and on any day that the School System is without a replacement certified law enforcement officer, the Town will increase patrols in the vicinity of the SRO's assigned schools, walkthrough the SRO's assigned schools at least three times per day during each day that the SRO is absent, and shall have an officer meet at least once daily with school administration to discuss any concerns.
- 3.1.4** Except as otherwise may be required by the Town in its sole discretion to address a serious emergency, the Town should not utilize the SRO during the designated workday for duties other than those set forth in this Agreement.
- 3.2** The Town agrees to provide and administer the SRO's salary and employment benefits in accordance with the applicable salary schedules and employment practices of the Town, including but not necessarily limited to: sick leave, annual leave, retirement compensation, workers' compensation insurance, dental insurance, and health insurance. The SRO shall be subject to all other personnel policies and practices of the Town. To the extent that there are conflicts between Town policy related to salary and employment benefits and the terms and conditions of this Agreement, Town policy related to salary and employment benefits shall control.
- 3.3** The Town shall only assign an SRO to the School system who meets all of the following basic qualifications:
- 3.3.1** Have at least three (3) years of law enforcement experience, unless this requirement is waived by the Parties.
- 3.3.2** Complete an SRO training course which is approved by the North Carolina Criminal Justice Education and Training Standards Commission. If the SRO does not possess certification of completion of an SRO training course which is approved by the North Carolina Criminal Justice Education and Training Standards Commission, the Town will ensure that the SRO participates in the next available SRO training course offering which is approved by the North Carolina Criminal Justice Education and Training Standards Commission to obtain this certification.
- 3.3.3** Complete Crisis Intervention Training ("CIT") certification through an accredited college, or other CIT provider approved by the Town. If the SRO does not possess CIT certification, the Town will ensure that the SRO participates in the next available course offering to obtain CIT certification.
- 3.3.4** Possess knowledge of the applicable federal and state laws, Town and Pitt County ordinances, and the School System's policies and regulations.

- 3.3.5** Be capable of conducting in-depth criminal investigations and investigations of delinquencies.
- 3.3.6** Possess an even temperament.
- 3.3.7** Be capable of setting a good example for students.
- 3.3.8** Receive annual training in school-based violence.
- 3.3.9** Possess positive experience working with youth and/or in a school setting and should be willing and able to serve as mentors for students.
- 3.3.10** Have no substantiated evidence of harassment, discrimination, improper use of force, or other serious performance issues in his or her work history that would make the officer inappropriate for performing duties as an SRO.
- 3.3.11** Possess communication skills that would enable the officer to function effectively within the school environment.
- 3.4** The Town acknowledges that the requirements of N.C.G.S. § 115C-332.1 apply to this Agreement. The Town shall conduct an annual check of all sworn law enforcement officers assigned as SROs on the North Carolina Sex Offender and Public Protection Registration Program, the North Carolina Sexually Violent Predator Registration Program, and the National Sex Offender Registry. The Town certifies that no individual may provide services to the School System under this Agreement if he or she appears on any of the herein stated sex offender registries.
- 3.5** The Town agrees to provide each SRO with all equipment which is not school-specific, including but not limited to the following equipment:
 - 3.5.1** The standard issue firearm and rounds of ammunition for each SRO.
 - 3.5.2** Office supplies and forms required in the performance of each SRO's duties.
 - 3.5.3** Appropriate Town vehicles to perform the duties and assignments under this Agreement.
- 3.6** The Town shall ensure that the SRO maintain minimum in-service training and certification requirements as would normally apply to all other certified officers in addition to any training and certifications required for SROs. Except in rare circumstances when training is not otherwise available, all training shall be conducted during the summer months when school is not in session.
- 3.7** The Town shall designate a regularly employed law enforcement officer ("SRO Supervisor") to supervise the assigned SRO and to coordinate the functions of the SRO in the SRO Program with the Security Department. The duties of the SRO Supervisor shall include ensuring SRO compliance with directives and policies of the Town and the School System, coordinating SRO scheduling and work hours (e.g. vacation requests, sick leave, training, etc.), communicating all emergencies or any other useful information to the

School System's Security Town, communicating any temporary SRO replacements with the name of the officer and contact information to the School System's Security Town, addressing concerns and complaints regarding performance and conduct of SROs in collaboration with the School System and in accordance with Town protocols.

3.8 The Town shall ensure that the SRO Supervisor and any other required representatives attend meetings with School System to discuss issues relevant to the SRO Program and its operations. The Town shall also ensure that the SRO meets with School System personnel at least once annually to discuss issues relevant to the SRO Program and its operations. The School System shall ensure that the scheduling of the herein stated meetings does not conflict with the Town's needs, including SRO assignments.

3.8.1 The School System shall provide annual training to the SRO no later than September 30, 2021. This annual training shall include training on the School System's behavioral support and discipline policies, the School System's SRO policies and procedures, a discussion of the School System's commitment to using its policies to ensure a safe and orderly educational environment and the fair and equitable treatment of all students when addressing student behavior, the role of SROs in making disciplinary referrals when necessary, the limited role of SROs within the School System's behavioral support and discipline system, and the documentation that must be developed and maintained by SROs in the SRO Program.

4.0 The School System's Obligations.

4.1 The School System shall reimburse the Town for the SRO provided at a total annual cost of **SEVENTY THOUSAND FIVE HUNDRED FORTY-ONE DOLLARS and 95/100** (\$70,541.95). The School System shall reimburse the Town in twelve (12) monthly payments payable in advance or on the day before the last day of each month starting July 1, 2021 and continuing through June 30, 2022. Overtime and additional duty assignments are not included in this reimbursement and may not be added to the monthly invoice or invoiced separately.

4.1.1 If the SRO ceases to serve as an SRO and no replacement is appointed and assigned by the Town for the remainder of the term of this Agreement, monthly payments due from the School System pursuant to paragraph 4.1 will be reduced accordingly.

4.1.2 Except as provided in Section 4.2.2, in the event an SRO is absent or unable to perform the duties under this Agreement, the reasons for such absence or unavailability are not attributable to the School System (either the Town requires the SRO to be absent or the SRO is absent due to sickness, disability, otherwise not available), and the Town fails to provide the School System with adequate supplemental coverage as set forth in Section 3.1.3, then the School System may reduce the compensation payable to the Town under this Agreement on a prorated basis and such reduction shall be credited or repaid to the School System.

4.1.3 In the event of an emergency when the SRO is ordered by the Town to leave his/her school duty station during normal duty hours as described in Section 3.1.4 above and to perform other services for the Town, the time spent shall not be considered hours worked under this Agreement. In such an event, the monthly

compensation paid by the School System to the Town shall be reduced by the number of hours of SRO services not provided to the School System or the hours shall be made up in a manner determined by mutual agreement of the Parties.

4.2 The maximum number of hours that the SRO shall be on-duty in a work day under this Agreement shall not exceed the maximum number of hours allowed by APD's policy. Specific SRO duty hours at a particular school shall be set by mutual agreement between the School System, at the direction of the principal of the school to which the SRO is assigned, and the Town. The duty hours shall begin when the SRO arrives at the destination assigned by the principal and shall end when the SRO leaves the destination assigned by the principal, thereby ending the SRO's work day. The actual duty hours for each officer shall be recorded on time sheets provided by the Town, and the principal or the principal's designee of the school to which the SRO is assigned shall review and sign the time sheet of the SRO each work period. The principal, or the principal's designee of the school to which the SRO is assigned, shall approve in writing any overtime of any SRO, and such overtime costs shall be reimbursed by the School System to the Town upon receipt of proper documentation. The principal of the school to which the SRO is assigned shall provide the Town with an executed copy of the approved overtime for any SRO and the amount of overtime approved. Such overtime will be compensated as indicated below and pursuant to personnel policy and practices of the Town and APD ("Town policy") and overtime regulations contained in the Fair Labor Standards Act.

4.2.1 The Parties agree any overtime hours worked during the SRO's pay period shall be compensated by the Town at the rate of time and one half for the overtime hours worked unless the SRO is permitted to adjust the SRO's work schedule during that same pay period to reduce or eliminate the extra work hours, or a combination of both overtime pay and time off as agreed by the School System, the SRO, and the Town.

4.2.2 Subject to the approval of the School System and Town, if an SRO elects to adjust the work schedule by taking time off to reduce or eliminate the extra work hours during a pay period, the Town will not be required to provide a law enforcement officer as a substitute, nor may the School System reduce the compensation paid to the Town for the time off taken by the SRO.

4.2.3 It is understood and agreed that time spent by the SRO attending court cases arising from and/or out of his/ her employment as an SRO shall be considered as hours worked under this Agreement.

4.3 The School System agrees to provide each SRO with the following:

4.3.1 Suitable accommodations at school (i.e. a lockable room with limited access, telephone, desk, chair, computer, and filing cabinet).

4.3.2 A radio with all school frequencies.

4.3.3 Keys and key-card access and/or other identification to all assigned schools.

- 4.3.4 Reasonable opportunities to address students, teachers, school administrators, and parents about criminal justice, safety, and security issues.
- 4.3.5 A dedicated parking space in an approved location for the SRO patrol car.
- 4.3.6 A School System-issued cell phone.

5.0 Employment, Assignment, and Control of School Resource Officers.

- 5.1 The SRO under this Agreement will be employees of the Town and not an employee of the School System. The SRO will be subject to the administration, supervision, and control of the Town, except as such administration, supervision, and control is subject to the terms and conditions of this Agreement.
- 5.2 The Town, in its sole discretion, shall have the power and authority to hire, discharge, and discipline the SRO. However, the School System shall evaluate annually the SRO Program and the performance of the SRO on forms developed jointly by the Parties and attached hereto as **Attachment C**. Attachment C is hereby incorporated into this Agreement. It is further understood that the School System's evaluation of the SRO is advisory only and that the Town retains the final authority to evaluate each SRO.
- 5.3 In addition to annual evaluations as herein stated, school administrators have been instructed by the School System to immediately advise the Security Specialist, John Jenkins, of the Security Department (the "Security Specialist"), in writing, if the SRO is not effectively performing his or her duties or responsibilities, and/or receives a complaint from a staff member, student, parent, or other member of the school community about actions or conduct of the SRO. The Security Specialist will report written complaints to the SRO Supervisor, provide a copy of the written complaint to the SRO Supervisor, undertake an investigation into the allegations of the complaints, prepare a written investigative report which shall include findings of the Security Department's investigation ("Security Department investigative report"), and shall provide the SRO Supervisor with a copy of the Security Department investigative report.
 - 5.3.1 If a school administrator observes or is advised that the SRO is continuing to engage in conduct that was the subject of a written complaint or a school administrator makes a third written complaint within two (2) academic years to the Security Department about the SRO and the allegations of this third written complaint within two (2) academic years is substantiated by the Security Department in a Security Department investigative report, the Security Department shall then recommend to the SRO Supervisor that the SRO be removed from the SRO Program, shall prepare a written report recommending removal, which shall include the factual basis for the recommendation and contain the written approval by the School System's Superintendent ("Security Department removal recommendation report"), and shall provide the SRO Supervisor with a copy of the Security Department removal recommendation report.

- 5.3.2** Upon receipt of the Security Department removal recommendation report and if upon review by the Town, there is verifiable, documented evidence of ongoing performance issues that have persisted despite the SRO being provided notice and an opportunity to improve, the Town shall agree to remove the SRO from serving in the SRO Program.
- 5.3.3** In addition, if the Security Department documents SRO misconduct that threatens the health or safety of students or staff, the Security Department will immediately notify the SRO Supervisor of the SRO's misconduct and provide copies of such all records documenting such misconduct. The Town shall promptly remove the SRO from serving in the SRO Program until the completion of the Town's review of the misconduct as alleged, consistent with the Town's policies and ordinances and this Agreement.
- 5.3.4** Notwithstanding the foregoing, nothing in this Agreement shall prohibit the School System's Superintendent from preventing the access of any individual, including the assigned SRO, to School System property if the School System's Superintendent determines it is in the best interest of the health and safety of students. Likewise, the Town reserves the right to remove the SRO from duty as an SRO in the SRO Program.
- 5.3.5** Additionally, notwithstanding the foregoing, the School System understands that any and all information communicated or otherwise provided to the Town and/or gathered by the Town regarding a School System-initiated complaint or otherwise regarding the SRO, including but not limited to the School System's annual evaluation of the SRO and/or the results of any School System investigation, is part of the SRO's personnel file, is confidential pursuant to N.C.G.S. § 160A-168, and is not subject to inspection except as allowed by N.C.G.S. § 160A-168(c).

5.4 The School System reserves the right to request that the contract services of an individual SRO be terminated if the principal-SRO relationship cannot, in the discretion of the School System, be successfully negotiated.

6.0 Insurance and Indemnification.

6.1 While working as an SRO in the SRO Program, the SRO shall have the same jurisdiction, powers, rights, privileges, and immunities (including those relating to the defense of civil actions and payment of judgments) as a law enforcement officer normally possesses. While on duty at a school location, the SRO shall respond to requests and suggestions by the principal, but shall remain subject to the lawful operational commands of his / her superior officers in the Town.

6.2 Except as may be provided for a remedy for breach of the financial obligations of this Agreement:

6.2.1 To the fullest extent permitted by law, the School System shall indemnify and hold harmless the Town, its officials and officers (elected and non-elected), employees, agents, representatives, and consultants against any liability arising

out of or in connection with any of the operations or obligations of the School System, including but not limited to any said operations or obligations subcontracted or assigned to a different person or entity from any and all claims, demands, damages, losses, lawsuits, and other proceedings, judgments, causes of action, liabilities, civil penalties, charges, costs, and expenses, including without limitation attorneys' fees, which are attributable to bodily or personal injury, sickness, disease, or death, or to injury to or destruction of tangible property caused by acts or omissions of the School System or anyone for whose acts the School System may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this section.

6.2.2 Likewise, to the fullest extent permitted by law, the Town shall indemnify and hold harmless the School System, its officials and officers (elected and non-elected), employees, agents, representatives, and consultants against any liability arising out of or in connection with any of the operations or obligations of the Town, including but not limited to any said operations or obligations subcontracted or assigned to a different person or entity from any and all claims, demands, damages, losses, lawsuits, and other proceedings, judgments, causes of action, liabilities, civil penalties, charges, costs, and expenses, including without limitation attorneys' fees, which are attributable to bodily or personal injury, sickness, disease, or death, or to injury to or destruction of tangible property caused by acts or omissions of the Town or anyone for whose acts the Town may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this section.

6.3 The Town shall hold the School System free, harmless, and indemnified from and against any and all claims, suits, or causes of action arising out of allegations or unfair or unlawful employment practices brought by the SRO, which are attributable solely to the Town.

7.0 **Term of the Agreement.** The term of this Agreement is one (1) year commencing on July 1, 2021 and ending on June 30, 2022.

8.0 **Notice.** Any notice or other communication provided for herein by a Party shall be in writing and served upon the other Party by either (A) hand-delivery, (B) electronic mail or facsimile transmission, and/or (C) by overnight courier service (with all fees prepaid) to the receiving Party as follows, or to any other address which either Party may hereafter designate for itself in writing:

FOR THE TOWN

Town of Winterville
2751 Railroad Street
Winterville, NC 28590
Telephone: (252) 215-2395
Facsimile: (252) 215-2461
Email: ryan.willhite@wintervillenc.com
(Ryan Willhite, Chief of Police)

With a Copy to:
Town of Winterville
2751 Railroad Street
Winterville, NC 28590
Telephone: (252) 215-2340
Facsimile: (252) 215-2451
Email: terri.parker@wintervillenc.com
(Terri Parker, Town Manager)

FOR THE SCHOOL SYSTEM

Pitt County Schools
School Security Department
300 Sylvania Street
Winterville, North Carolina 28950
Telephone: (252) 830-2313
Facsimile: (252) 830-1277
Email: jenkinj@pitt.k12.nc.us
(John Jenkins, Security Specialist)
Email: HUDSONJ@pitt.k12.nc.us
(Jeff Hudson, Security Specialist)

With a Copy to:
The Pitt County Board of Education
1717 West Fifth Street
Greenville, North Carolina 27834
Telephone: (252) 830-4227
Facsimile: (252) 830-0099
Email: ehodson@pitt.k12.nc.us
(Emma J. Hodson, Attorney for The Pitt
County Board of Education)

If either Party hereto changes its address or other contact information for purposes of this Agreement, the Party so changing shall give the other Party appropriate written notice of change of address in the manner specified above.

- 9.0 Termination of Agreement.** This Agreement may be terminated by either Party with or without cause (for convenience) upon sixty (60) days’ written notice to the other Party as provided in Section 8.0 herein. Termination of this Agreement may only be accomplished as provided herein. In the event this Agreement is terminated, compensation will be made to the Town for all services performed prior to the date of termination.
- 10.0 Arm’s Length Negotiation.** The Parties further agree that this Agreement is to be deemed to have been prepared jointly by the Parties hereto, after arm’s length negotiations, and that any ambiguity or uncertainty existing herein, if any, shall not be interpreted against the other Party. The Parties further agree to sign any and all instruments or documents necessary to carry out the full purpose and intent of this Agreement. This Agreement shall be binding upon the Parties and their successors in interest.
- 11.0 Entire Agreement.** This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements and understandings, whether written or oral, related to the subject matter of this Agreement.
- 12.0 Amendment and Modification.** This Agreement may be modified or amended by mutual consent of the Parties as long as the amendment is executed in the same fashion as this Agreement. Notwithstanding the foregoing, the Parties may develop additional policies and procedures by consent to implement this Agreement, including but not limited to policies and

procedures regarding reporting requirements and sharing information between the School System and the Town. Further, each Party may develop internal policies and procedures to implement their respective obligations under this Agreement.

- 13.0 Consideration.** For and in consideration of the Town providing the SRO for participation in the SRO Program as described herein, the School System agrees to reimburse the Town for the cost of the SRO, as described in this Agreement.
- 14.0 Severability.** The non-enforceability or illegality of any provision of this Agreement shall not render the other provisions unenforceable, illegal, or invalid.
- 15.0 Headings.** The paragraph headings contained herein are only for convenience and reference, and are not intended to be part of this Agreement or in any manner to define, limit, or describe the scope and intent of this Agreement for the particular paragraph to which they refer.
- 16.0 E-Verify Compliance.** The Parties shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. Further, if either Party utilizes a subcontractor, the Party shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. The Parties represent that they and their subcontractors are in compliance with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.
- 17.0 Governing Law; Venue.** This Agreement shall be governed by the laws of the State of North Carolina. The venue for initiation of any such action shall be Pitt County, North Carolina.
- 18.0 No Third Party Benefits.** There are no third party beneficiaries to this Agreement. Nothing in this Agreement shall create or give to third parties any claim or right of action against either of the Parties, or their employees, agents, contractors, officers, officials, governing boards, or successors in interest.
- 19.0 Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together constitute one and the same instrument.

IN WITNESS HEREOF, the Parties hereto have caused this Agreement to be executed the day and year first written above.

THE PITT COUNTY BOARD OF EDUCATION

TOWN OF AYDEN

Ethan A. Lenker
Superintendent

Terri L. Parker
Town Manager

Matthew Johnson
Assistant Superintendent of Operations

Ryan Willhite
Chief of Police

APPROVED AS TO FORM:

Emma J. Hodson
Attorney for The Pitt County Board of
Education

E. Keen Lassiter
Town Attorney

PRE-AUDIT CERTIFICATION:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Debra Baggett
Chief Financial Officer, Pitt County Schools

Date

ATTACHMENT A

**PITT COUNTY SCHOOLS
SCHOOL RESOURCE OFFICER PROGRAM MANUAL
2021-2022**

SCHOOL RESOURCE OFFICER PROGRAM MANUAL

2021-2022

I. Goals of the SRO Program, Purpose of this Manual, and Prohibition on Unlawful Discrimination

The Pitt County Board of Education is grateful for strong relationships with six law enforcement agencies. Through the Board's partnerships with the Ayden Police Department, Farmville Police Department, Greenville Police Department, Grifton Police Department, Pitt County Sheriff's Office, and Winterville Police Department, Pitt County Schools is able to have an efficient and cohesive School Resource Officer ("SRO") Program with the primary goals of (1) providing a safe, inclusive, and positive learning environment for all students, educators, administrators, volunteers, and other members of the school community and (2) building positive relationships between law enforcement officers and school administrators, parents, and students.

The purpose of this manual is to ensure that key stakeholders (i.e. principals, assistant principals, central office staff, and SROs) have a clear understanding of the role and duties of SROs, the role and duties of school system administrators, how SROs and school system administrators should collaborate to achieve the goals of the SRO program, and limitations on the relationship between SROs and the school system.

All key stakeholders should be aware that the SRO Program is to be operated without discrimination against any person on the basis of sex, gender, race, color, religion, national origin, age or disability. Under no circumstances will any stakeholder, the Board, or representative of the law enforcement agencies supplying SROs engage in any conduct in violation of state or federal anti-discrimination law in their interactions with students, including but not limited to any retaliation for reporting, alleging, or filing complaints concerning any alleged discrimination.

II. The Imposition of School Discipline

A. Routine Disciplinary Matters

1. Principals and assistant principals ("school administrators") shall be solely responsible for implementing the Student Code of Conduct and school discipline policies. School administrators, not the SROs, have primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters.
2. The SRO shall refer any reports or concerns relating to student discipline to the principal or designee of the school where the student conduct arises and shall not independently investigate or administer consequences for violations of the Student Code of Conduct or any school disciplinary rules.
3. The SRO should generally not have any involvement in routine disciplinary matters, such as tardiness, loitering, noncompliance, the use of inappropriate language, dress code violations, minor classroom disruptions, and disrespectful behaviors and other similar minor infractions of school rules unless such actions rise to the level of a criminal act.¹
4. School administrators shall only request SRO assistance when necessary to protect the physical safety of staff, students, or others.

¹ For purposes of this Manual, the word crime or criminal includes delinquency.

5. The SRO will not be involved in the questioning of students initiated and conducted by school personnel in disciplinary matters unless requested by a school administrator to maintain a safe and secure school environment. If the SRO's presence is requested under these circumstances, the SRO shall limit his or her involvement to only what is reasonably necessary, based on his or her own observations, training, and experience, to protect the safety and security of members of the school community. The SRO shall not lead the investigation or actively question students.

B. Joint Law Enforcement and School Disciplinary Investigations

1. In cases where school disciplinary investigations and law enforcement investigations into criminal activity overlap and relate to matters affecting health or safety (e.g., when both a school administrator and an SRO are investigating matters related to the presence of drugs or weapons on campus), it may be appropriate for school administrators and SROs to work in tandem. In such events, the law enforcement investigation takes precedence over school disciplinary issues. In such circumstances, the SRO shall be mindful of and clarify his or her role as a law enforcement officer conducting a law enforcement investigation when interviewing student witnesses, particularly students suspected of criminal wrongdoing.

III. Investigation of Criminal Matters

A. SRO Initiated Investigations into Criminal Activity at School

1. SROs may initiate appropriate law enforcement actions to address criminal matters, including matters that threaten the safety and security of the school or its occupants, and/or intervene with staff or students (with or without a referral from a school administrator) when necessary to ensure the immediate safety of persons in the school environment in light of an actual or imminent threat to health or safety.
2. However, any such intervention shall be reasonable in scope and duration in light of the nature of the circumstances presented and shall be reasonably calculated to protect the physical safety of members within the school community, while minimizing, to the extent possible, any unintended negative effects on students.
3. Additionally, all law enforcement actions and interventions to protect the safety of others and the SRO shall be consistent with all applicable laws, regulations, and policies.
4. SROs shall assess allegations of potential criminal activity committed on or adjacent to school property to determine whether further actions by law enforcement are required.
 - a. An SRO shall intervene in all situations involving mandatory reportable offenses (i.e. assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law). In situations involving mandatory reportable offenses, the SRO shall report the offense to his or her agency for investigation. The decision to pursue legal action shall be in the discretion of the law enforcement agency, the District Attorney, and/ or the

court.

- b. In situations involving non-reportable offenses, the SRO shall make an effort to divert cases from the court system when appropriate.
5. It is understood by the Parties that an SRO may use reasonable force when, based on the SRO's observations, training, and experience, the force is necessary to protect the safety and security of members of the school environment and comports with the SRO's law enforcement agency's procedures and protocols and all applicable laws.
6. SROs shall also, whenever possible, advise the principal before requesting additional law enforcement assistance on campus and shall request such assistance only when necessary to protect the safety or security of those present on the school campus.
7. Criminal investigations, arrests, and taking juveniles into temporary custody in accordance with Section 7B-1901 of the North Carolina General Statutes by SROs will be conducted in accordance with all applicable legal requirements, including all applicable laws, regulations, and policies governing the use of force, interrogations, searches, and arrests.

B. Investigative (Searches, Questioning, etc.), Temporary Custody, and Arrest Procedures

1. An SRO shall promptly notify a school administrator whenever he or she asks a student questions of an investigative nature or takes any direct law enforcement action against a student; however, notification may be withheld until deemed appropriate by the SRO if such notification would endanger a student or any other person or compromise an ongoing criminal investigation.
2. An SRO shall promptly notify a school administrator and the parent(s) or guardian(s) of any student arrested for a criminal offense or taken into temporary custody pursuant to Section 7B-1900 of the North Carolina General Statutes.
3. All SRO questioning or searches of students suspected of criminal wrongdoing and/or searches of property by an SRO must be in accordance with applicable law. In particular, SROs and school administrators should be familiar with the differing standards governing searches by law enforcement officers for law enforcement purposes as compared with searches by school administrators in connection with student discipline. Except as set out in Paragraph 1 of this Subsection, SROs should contact a school administrator before questioning or searching a student regarding an investigation into suspected criminal activity to determine if a school administrator should be present during the questioning or searching.
4. If an SRO questions, searches, arrests, or takes a student into temporary custody at school, all reasonable efforts will be made by the SRO and a school administrator to remove the student from other students and/ or bystanders or otherwise to minimize attention to the student.
5. At no time shall any SRO request that any PCS employee lead or conduct a search of a student for law enforcement purposes or request that a PCS employee act as an agent of law enforcement. At no time shall a school administrator or PCS employee request that an SRO conduct a search of a student for school disciplinary investigations.

6. The SRO shall participate in searches of students or their belongings in school disciplinary investigations only if their assistance is requested by school personnel and the SRO agrees, based on his or her observations, training, and experience, that the requested assistance is necessary to maintain a safe and secure school environment.

C. Non-School Investigations

1. SROs shall refrain from questioning students at school regarding non-school related matters unless the SRO has a warrant or unless questioning, searching, arresting, or taking a student into temporary custody on school property at that time is necessary, in the discretion of the SRO, for the success of a law enforcement investigation or to prevent injury or crime.

IV. SROs as a Mentors and Members of the School Community

- A.** The SRO shall conduct himself or herself as a role model at all times and in all facets of his or her work and shall seek to establish a strong rapport with school administrators, faculty, staff, students, parents, and others associated with the school. SROs shall also encourage students to develop positive attitudes towards the school, education, law enforcement officers, and positive living in general.
- B.** SROs are strongly encouraged to attend meetings held during the SRO's regular duty hours of parent and faculty groups to solicit their support and understanding of the SRO Program and to promote awareness of law enforcement functions.
- C.** SROs shall be familiar with community agencies that offer assistance to students and their families, including but not limited to mental health services and drug treatment centers, and shall provide information on such agencies to students, parents, and/ or school administrators when appropriate. In addition and when appropriate, the SRO shall provide information to school administrators, students, and parents regarding additional resources offered by community agencies or the agencies providing afterschool and summer programs and opportunities for youth.
- D.** SROs may answer questions and /or provide general information regarding North Carolina criminal or juvenile laws but should not to give legal advice.
- E.** SROs shall attend meetings held during the SRO's regular duty hours of **S**tudents **A**gainst **D**estructive **D**ecisions (SADD) groups in schools and SADD groups as requested. SADD groups are student-run programs that educate the school community about issues related to drug and alcohol abuse, sexual activity, depression, bullying, and suicide within the student population.
- F.** SROs shall, whenever possible and in accordance with guidance from the school principal or designee, participate in or attend school functions during the SRO's regular duty hours, in order to assist in the safe operation of school-related programs.
- G.** SROs shall wear the official law enforcement uniform or other apparel approved by their respective law enforcement agencies at all times while on-duty and serving on school property and shall make best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely

to occur.

- H. Unless approved in writing by the head of the SRO's agency, SROs are not to be used on a daily or routine basis for traffic direction at or adjacent to school property.
- I. The SRO shall remain on the school grounds in accordance with the schedule agreed upon between the school system and the SRO Supervisor. Any changes to this schedule and any SRO substitutions should be communicated by the SRO Supervisor to the Security Specialist and principals of any affected schools with as much advance notice as possible under the circumstances.

V. Communication Between School Administrators and SROs

A. At the School Level

1. Open communication between SROs and school principals is encouraged at all times to ensure a collaborative and productive relationship.
2. SROs, school administrators, and designees of the school principals are expected to meet on a regular basis, both formally and informally, to discuss school safety concerns, duties, and responsibilities. SROs, school administrators, and designees of school principals are all expected to initiate such meetings to promote open and strong communication.
3. Principals are authorized by the Board and are expected to timely report any alleged criminal activities that occur on campus to the assigned SRO in compliance with all applicable state laws and relevant Board policies.
 - a. Presently, criminal offenses that must be immediately reported to the SRO include: (1) assault resulting in serious personal injury; (2) assault involving the use of a weapon; (3) assault on school officials, employees, or volunteers; (4) making bomb threats or engaging in bomb hoaxes; (5) willfully burning a school building; (6) homicide; (7) kidnapping; (8) unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages; (9) possession of controlled substances in violation of law; (10) possession of a firearm; (11) possession of a weapon; (12) rape; (13) robbery with a dangerous weapon; (14) sexual assault (not involving rape or sexual offense); (15) sexual offense; and (16) taking indecent liberties with a minor.

B. With General Administration and Principals

1. During the months of September 2021 through June 2022, the SRO Supervisor shall provide to the PCS Security Specialist a monthly report of the aggregated number of referrals. A copy of these reports must be transmitted to the Security Specialist no later than the fifth day of the following month (e.g. the report for September 2021 should be transmitted no later than October 5, 2021).
2. During the months of September 2021 through June 2022, the SRO Supervisor shall provide to the Security Specialist a report of all school-based or related actions taken by that agency's SROs and all matters that were referred to the court system within that reporting period. These reports will also include information known to the SRO

Supervisor or his or her agency regarding the outcome of any matter referred to the court system (if the matter has been decided in the reporting period) and the involvement of Pitt County Schools or an individual school in the proceeding (e.g. if district employees or students were called as witnesses). A copy of these reports must be transmitted to the Security Specialist no later than the fifth day of the following month (e.g. the report for September 2021 should be transmitted no later than October 5, 2021).

3. During the months of September 2021 through June 2022, SROs shall complete monthly security assessments for each of the SROs' assigned schools. The SRO Supervisor will provide copies of the security assessment reports completed by SROs to the Security Specialist and respective principals no later than the last day of the month (e.g. the report for September 2021 is due no later than September 30, 2021).

VI. Transporting PCS Students

- A. SROs shall not transport any students in their vehicles unless either (1) the student is a victim of a crime and is being transported to a medical facility or to the SRO's law enforcement agency or (2) the student is under arrest or has been taken into temporary custody.
- B. SROs shall notify the principal before removing a student from campus.
- C. SROs shall not transport students in their personal vehicles. If an SRO does not have an agency vehicle, then a patrol unit shall be dispatched to assist the SRO.

VII. Sharing Education Records

- A. Pitt County Schools officials are required to comply with the Family Educational Rights and Privacy Act ("FERPA"). Under FERPA, education records (i.e. records, files, documents, and other materials, including security footage, that are directly related to a student and maintained by Pitt County Schools or by parties acting for Pitt County Schools) may only be disclosed to SROs in certain circumstances.
- B. SROs shall not automatically have access to educational records or personally identifiable information about a student in those records simply because they are conducting a criminal investigation involving a student or for general non-specific purposes. Circumstances where school officials may disclose relevant educational records and personally identifiable information contained in those records with SROs include, the following:
 1. The student's parent or the guardian or the student (if 18 years of age or older) consents in writing to disclose education records to the SRO;
 - a. NOTE: Consent must be obtained using Pitt County Schools' FERPA Authorization Form which is included in this manual as Appendix I.
 2. The information sought (again for a specific purpose) is directory information (e.g. student home address, student phone number, etc.);
 - a. NOTE: Students' parents or guardians or students who are 18 years of age or older may opt out of sharing directory information. School system officials are NOT permitted to share directory information if an opt out has occurred.

- b. ALSO NOTE: School officials may not confirm non-directory information to an SRO. For example, if an SRO provides a student's name and social security number (or other non-directory information) to school officials and is seeking additional directory information, school officials may not use a social security number or other non-directory information to search for the student's records as opposed to a name because using non-directory information to search for a student is considered to be confirming the accuracy of non-directory information to the SRO.
3. Pursuant to a subpoena, warrant, or other court order;
- a. NOTE: Prior to complying with a warrant, subpoena, or other court order, FERPA requires school officials to make a reasonable effort to notify the parent, guardian, or student who is over 18 years of age of the subpoena or court order to give an opportunity to the parent, guardian, or eligible student to object or seek other protective action. School officials should contact in-house counsel upon the receipt of any warrant or subpoena seeking educational records. A template of an Order for Release of Educational Records that legal counsel for SROs may utilize to obtain education records is included in this manual as Appendix II.
 - b. ALSO NOTE: There are three situations where making a reasonable effort to notify parents, guardians, or students over 18 years of age is not required: (1) a court issuing a *federal grand jury* subpoena may direct school officials to keep the existence or contents of the subpoena confidential even as to the involved student and/ or parents; (2) a subpoena issued for any other *law enforcement purpose* may similarly direct the school to keep the subpoena confidential; and (3) *federal law enforcement* authorities may obtain *ex parte* secret subpoenas of student records in *terrorism investigations*.
 - c. An SRO who is taking steps to obtain a warrant, subpoena, other court order, or parental consent to obtain FERPA protected records, may ask school administrators or the School Security Department to preserve relevant FERPA protected records, including security camera footage, prior to obtaining the warrant, subpoena, other court order, or parental consent. Upon receiving a request for preservation from the SRO, school administrators and the School Security Department shall secure and prevent the destruction of any records requested by the SRO, including those records that may be maintained by other custodians (e.g. teachers), until the SRO provides a warrant or written parental consent. Upon producing the warrant or written parental consent, school administrators or the School Security Department will produce the requested records to the SRO.
4. A health or safety emergency exists;
- a. NOTE: School officials may disclose educational records under this exception to "appropriate persons" without consent in connection with an emergency when school officials perceive an "articulable and significant threat" to the health or safety of the student or others under the totality of the circumstances.
 - i. The standard for when a health or safety emergency exists is flexible. School officials should generally not release education records based on a not fully formed sense that a student "might" do something at some indeterminate point

in the future, but they are also not required to delay a release until the moment a student is on-campus with a gun. Ultimately, school officials need to be able to articulate a basis for reasonably believing that a student poses a significant risk of harm to himself or herself or others.

- ii. Examples of articulable threats might include (but are not limited to) students making statements about suicide or violence toward others, displaying unusually erratic or angry behaviors, or engaging in similar conduct that school officials would reasonably see as posing a risk of serious harm. By contrast, merely knowing that a student has access to a large cache of weapons at home—without accompanying behavioral red flags—would likely not rise to the level of an articulable or significant threat.
- b. SROs and other law enforcement officials are considered appropriate persons who need information to protect the health or safety of the student or others.
5. Records concern registered sex offenders and the information was provided to school officials pursuant to federal law (i.e. Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act).
- C. School officials and SROs should be aware that it is the position of Pitt County Schools that Section 7B-3100 of the North Carolina General Statutes does not create a FERPA exception that allows for the sharing of records related to the “juvenile justice system.” However, FERPA does permit school officials to report child abuse and neglect to DSS.
 - D. Information obtained through a school official’s personal knowledge or observation (e.g. a teacher overhears a student make a threatening remark, observes a change in a student’s behavior, or reads a threat posted on the school’s social media page) is not an education record and can be disclosed to SROs even if an education record exists containing the information.
 1. NOTE: The general rule that personal knowledge and observations can be shared with law enforcement DOES NOT apply to school officials who have a role in making a determination that generates a protected educational record (e.g. a psychologist may not disclose to an SRO information learned about a student’s behavior that the psychologist used in a report or assessment to determine a student’s eligibility for special education; a principal may not advise an SRO that a student is suspended; etc.).

VIII. Evaluation of SROs and Complaints Regarding Program Participants

- A. Each SRO is employed by either the Ayden Police Department, Farmville Police Department, Greenville Police Department, Grifton Police Department, Pitt County Sheriff’s Office, or Winterville Police Department. Although personnel decisions are ultimately made by an SRO’s employer, principals shall provide annual advisory evaluations of SROs utilizing a form developed by the Board and these six law enforcement agencies. The Pitt County Schools Security Specialist shall collect evaluation forms from principals and solicit feedback from the superintendent and other administrators annually. The Security Specialist shall then submit the evaluation forms and any other feedback to the applicable law enforcement agency.
- B. In addition to annual evaluations, principals and school system administrators should

immediately advise the Security Specialist, in writing, if an SRO is not effectively performing his or her duties or responsibilities and/or a staff member, student, parent, or other member of the school community has complained about actions of the SRO. Depending on where the SRO is employed, the Security Specialist will forward any written complaints to the officer supervising the SRO made the subject of the complaint by the end of the workday following the workday on which the complaint is received. The Security Specialist will then undertake an investigation into the allegations of the complaint, gather written witness statements from any individuals with information relevant to the complaint, and shall complete a written report of the investigator's findings and conclusion as to whether the allegations of the complaint were substantiated or not. The written report shall also be submitted to the subject SRO's supervising officer within one work day from its completion.

- C.** SROs shall immediately notify the SRO Supervisor in writing of any credible complaint received from a staff member, student, parent, or other member of the school community, or of any incident an SRO observes, involving the use of inappropriate or excessive physical force by a teacher, school administrator, or other School System employee or volunteer. The SRO Supervisor shall then forward any such complaint to the School System Security Specialist.

APPENDIX I

AUTHORIZATION FOR RELEASE OF EDUCATION RECORDS

I, _____ (name of parent/guardian/student if 18 or older), hereby give permission for officials of Pitt County Schools to disclose confidential education records of the Student, _____ (name of student), and/or any personally identifiable information contained in those education records to the following (name of recipient and address):

The education records governed by this waiver shall include (*check all that apply*):

- Transcripts, report cards, and other grade reports
- Attendance information
- Disciplinary records
- Cumulative file
- Special education file
- Immunization records
- Other health records
- Other (please specify):

These records may be disclosed (check one):

- Upon the authorized person’s request; OR
- One time only, upon execution of this consent.

This information is provided for the following purpose:

- To provide relevant information to the Student’s medical provider(s);
- To assist in meeting the Student’s educational needs; OR
- Other (please specify): _____

I understand that I may revoke this authorization at any time by providing my signed written notice to the appropriate Pitt County Schools officials. Absent such notice, this authorization shall expire on _____ (date).

I acknowledge that this form constitutes my written consent to release written consent to the release of confidential, personally identifiable information that is protected under the federal Family Educational and Privacy Rights Act (FERPA) and state law governing the confidentiality of student records and personally identifiable information contained in such records. I certify that I am more than eighteen years old and that I have authority to execute this authorization.

Signature of parent/guardian/student 18 or older _____
Date

Name (please print)

Address City State Zip

APPENDIX II-COURT ORDER TEMPLATE

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN RE: _____

ORDER FOR RELEASE OF EDUCATIONAL
RECORDS

THIS CAUSE HAVING COME ON TO BE HEARD before the undersigned District Court Judge presiding, and it appears to the court:

1. That there is an ongoing criminal investigation by ****OFFICER'S NAME**** of the ****NAME OF LAW ENFORCEMENT AGENCY**** regarding ****TYPE OF INCIDENT**** that occurred on or about ****DATE OF INCIDENT**** which is a violation of the North Carolina General Statute _____.
2. That the alleged offenses occurred at _____ School, a public school that is part of the Pitt County Public School System.
3. Upon information and belief, ****INFORMATION YOU ARE SEEKING**** (for example there is video surveillance of the crime scene and there are statements to school administrators made by four students associated with this investigation).
4. Upon information and belief, said video surveillance and student statements are considered "education records" of one or more public school students under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and its implementing regulations, and contain information relevant and material to the investigation described above.
5. Under the relevant FERPA regulation, 34 C.F.R § 99.31(a)(9), an educational agency or institution may disclose personally identifiable information from an education record of a student without written parental consent if the disclosure is to comply with a judicial order or lawfully issued subpoena. The same regulation also provides that the educational agency or institution may make such disclosures only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action.
6. That it is in the best interest of justice and the enforcement of the laws of the State of North Carolina to have this information disclosed to law enforcement for use in the criminal investigation described above, subject to the rights of the parent or eligible student whose records would be disclosed to seek protective action from this Court prior to disclosure.

IT IS THEREFORE ORDERED that any ****INFORMATION YOU ARE SEEKING**** contained in student education records maintained by school officials at _____ School as described in this Order be released to ****OFFICER'S NAME**** of the ****NAME OF LAW ENFORCEMENT AGENCY**** for use in the criminal investigation of this matter, after appropriate school officials have first provided reasonable notice to the parents or eligible students of their rights to seek protective action from this Court.

This the _____ of _____, 20____.

Presiding Judge

ATTACHMENT B
SRO PROGRAM MANUAL ACKNOWLEDGEMENT
(To be Completed by ALL SROs, Principals, and Assistant Principals)

I, _____ (print name), am a key stakeholder in the success of Pitt County Schools' SRO Program.

As a key stakeholder, I acknowledge that the success of the SRO Program requires collaboration between principals, assistant, principals and SROs and a clear understanding of the roles and duties of school administrators and SROs.

By signing below, I acknowledge that I have read the SRO Program Manual developed by the Pitt County Board of Education and local law enforcement agencies to develop an understanding of the roles and duties of school administrators and SROs.

Principal/AP/ SRO Signature: _____

Date: _____

**THIS FORM SHOULD BE SUBMITTED TO THE PITT COUNTY SCHOOLS SECURITY DEPARTMENT ON OR BEFORE OCTOBER 31, 2021. THE FORM SHOULD BE SENT VIA E-MAIL TO JOHN JENKINS (jjenkins@pitt.k12.nc.us).

ATTACHMENT C
SRO PERFORMANCE EVALUATION METRIC 2021-2022 ACADEMIC YEAR
(TO BE COMPLETED BY SCHOOL SYSTEM ADMINISTRATORS)

School Name: _____

Completed By: _____

Date Completed: _____

SRO Name: _____

Please respond to each of the following by writing either YES or NO.

Question	Response
Q1: SRO remains on campus during normal school hours, except when necessary to attend to a law enforcement emergency, trainings, meetings, or official law enforcement business off-campus.	
Q2: SRO makes best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely to occur.	
Q3: SRO participates in or attend school functions during regular duty hours in order to assure the peaceful operation of school-related programs.	
Q4: SRO conducts himself/ herself as a role model at all times and in all facets of the job and seeks to establish a strong rapport with staff, faculty, students, and others associated with the school and encourages students to develop positive attitudes toward school, education, law enforcement officers, and positive living in general.	
Q5: SRO initiates appropriate law enforcement actions to address criminal matters, including matter that threaten the safety and security of the school or its occupants, and/or intervenes with staff or students (with or without a referral from school staff) when necessary to ensure the immediate safety of persons in the school environment in light of an actual or imminent threat to health or safety.	
Q6: SRO refers any reports or concerns relating to student discipline to the principal or designees and does not independently investigate or administer consequences for violations of the Student Code of Conduct or any school disciplinary rules.	
Q7: SRO meets with principal and members of the administrative team designated by the principal on a regular basis, both formally and informally, to discuss school safety concerns, duties, and responsibilities.	
Q8: SRO reports any safety concerns to the school principal and/or designee and confers with the school principal to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus involving students at school-related activities.	

***If you would like to provide any comments regarding your SRO or the SRO Program and/or if an answer above was NO, please complete the comments form below.**

Comments: _____



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: March 9, 2020

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Eleven at Main.

Action Requested: Approval of Preliminary Plat.

Attachment: Preliminary Plat / Site Plan, and Special Use Permit.

Prepared By: Bryan Jones, Planning Director

Date: 7/28/2021

ABSTRACT ROUTING:

TC: 8/2/2021

TM: 8/4/2021

Final: tlp - 8/4/2021

Supporting Documentation

Eleven at Main – Preliminary Plat:

Location: Intersection of Hwy 11 S and Main Street.

Parcel Numbers: 05589.

Site Data: 20.43 Acres, 154 Lots/Units.

Zoning District: MR

- ❖ Special Use Permit approved by Board of Adjustment on May 18, 2021
- ❖ Planning and Zoning Board unanimously approved the Preliminary Plat on July 19, 2021.

Budgetary Impact: TBD.

Recommendation: Recommend Approval of Preliminary Plat.

**TOWN OF WINTERVILLE
PITT COUNTY
NORTH CAROLINA**

**ORDER APPROVING
A Special Use Permit**

The Board of Adjustment for the Town of Winterville held a public hearing on May 18, 2021, to consider an application submitted by the Applicant, Britt Development Company of Archdale, LLC, for a Special Use Permit for a Single-Family Attached Development on the property located on Parcel 05589 in Winterville, North Carolina. As presented by the Applicant, the development will consist of approximately 130 (up to 170) single-family attached dwelling units in 25 buildings, along with associated driveways, storm drainage, and utilities.

Having heard all of the evidence and arguments presented at the public hearing, the Board of Adjustment makes the following FINDINGS OF FACT:

- (1) Conditions and Specifications. That the application filed as a Special Use Permit for Parcel 05589 meets all of the required conditions and specifications of the Zoning Ordinance and policies of the Town for a submission of a Special Use Permit.
- (2) Notice. That those persons owning property adjacent to the proposed development or use, as listed on the current tax records, were served notice of the public hearing by mail in accordance with applicable requirements; and that notice of public hearing to consider the Special Use Permit was published on May 5, 2021 and May 12, 2021 in the Daily Reflector, a newspaper having general circulation in the area, and required by law.
- (3) To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for special uses as authorized by Article VI. In granting a Special Use Permit, the Board shall make the following affirmative findings:
 - a) The Use requested is among those listed as an eligible Special Use in the district in which the subject property is located;
 - b) That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
 - c) That the Special Use meets all required conditions and specifications:
 - a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
 - b. 1. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.

2. No multi-family development shall contain more than sixty (60) dwelling units unless the development shall have frontage along and direct access on two major or minor thoroughfares or combinations thereof as shown on the Thoroughfare Plan.

3. Any multi-family development with more than 100 dwelling units shall meet the requirements of 2 above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

- c. An individual multi-family building, two family dwelling or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. Provided that in the AR and R-8 zoning districts, two-family dwellings within a subdivision shall only be permitted on a corner lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.
- d. In any case where more than one multi-family building, more than one two-family dwelling or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards:
1. Site Plan. No zoning permit or building permit shall be issued for any construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall first comply with the Subdivision Ordinance.
 2. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).
 3. Yard Requirements. The following yard requirements are hereby established:
 - (a) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.
 - (b) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.
 - (c) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

4. Street or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
5. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the Subdivision Regulations.
6. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the Subdivision Regulations.
7. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

d) That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

e) That the location and character of the Special Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

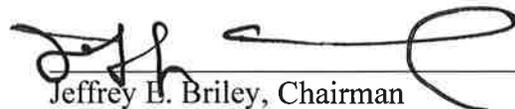
WHEREAS, The Board of Adjustment did find in favor of the applicant by an affirmative vote on all of the criteria listed above.

NOW, THEREFORE, based on the facts found above and in consideration of all other evidence presented at the public hearing; the Board of Adjustment did vote to approve the Special Use Permit and thus orders that the Special Use Permit be:

 X Approved

The decision of this Board may be appealed to the Superior Court in accordance with the provisions of North Carolina General Statute §160A-388 and §160A-393.

Ordered this the 18th day of May, 2021.



 Jeffrey E. Briley, Chairman



 Bryan Jones, Planning Director